UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/306
26 August 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 108 of the provisional agenda*

# PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

## Impact of armed conflict on children

## Note by the Secretary-General

1. The Secretary-General has the honour to transmit herewith to the General Assembly the study on the impact of armed conflict on children, prepared by Ms. Graça Machel, the expert appointed by him on 8 June 1994, pursuant to General Assembly resolution 48/157 of 20 December 1993. The study was undertaken with the support of the United Nations Centre for Human Rights and the United Nations Children's Fund, as provided for in the resolution, and is the fruit of extensive and wide-ranging consultations.

2. In the study, the expert proposes the elements of a comprehensive agenda for action by Member States and the international community to improve the protection and care of children in conflict situations, and to prevent these conflicts from occurring. The study demonstrates the centrality of these issues to the international human rights, peace and security and development agendas, and should serve to promote urgent and resolute action on the part of the international community to redress the plight of children affected by armed conflicts.

3. The Secretary-General trusts that the General Assembly will give thorough consideration to this study and to the mechanisms required for following up and monitoring the implementation of the conclusions and recommendations it will adopt on this important subject.

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# IMPACT OF ARMED CONFLICT ON CHILDREN

Report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157

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IV. Statement of the Fourth Regional Consultation on the Impact of Armed Conflict on Children in Asia and the Pacific (Manila, 13-15 March 1996)

V. Statement of the Fifth Regional Consultation on the Impact of Armed Conflict on Children in Latin America and the Caribbean (Santafé de Bogotá, 17-19 April 1996)

VI. Statement of the Sixth Regional Consultation on the Impact of Armed Conflict on Children in Europe (Florence, 10-12 June 1996)

VII. Statement adopted by the World Conference on Religion and Peace: Children and Violent Conflict

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* Annexes I-VIII are contained in A/51/306/Add.1.

# IMPACT OF ARMED CONFLICT ON CHILDREN

## I. INTRODUCTION

### A. The attack on children

1. Millions of children are caught up in conflicts in which they are not merely bystanders, but targets. Some fall victim to a general onslaught against civilians; others die as part of a calculated genocide. Still other children suffer the effects of sexual violence or the multiple deprivations of armed conflict that expose them to hunger or disease. Just as shocking, thousands of young people are cynically exploited as combatants.

2. In 1995, 30 major armed conflicts raged in different locations around the world. 1/ All of them took place within States, between factions split along ethnic, religious or cultural lines. The conflicts destroyed crops, places of worship and schools. Nothing was spared, held sacred or protected - not children, families or communities. In the past decade, an estimated two million children have been killed in armed conflict. Three times as many have been seriously injured or permanently disabled, many of them maimed by landmines. 2/ Countless others have been forced to witness or even to take part in horrifying acts of violence.

3. These statistics are shocking enough, but more chilling is the conclusion to be drawn from them: more and more of the world is being sucked into a desolate moral vacuum. This is a space devoid of the most basic human values; a space in which children are slaughtered, raped, and maimed; a space in which children are exploited as soldiers; a space in which children are starved and exposed to extreme brutality. Such unregulated terror and violence speak of deliberate victimization. There are few further depths to which humanity can sink.

4. The lack of control and the sense of dislocation and chaos that characterize contemporary armed conflicts can be attributed to many different factors. Some observers point to cataclysmic political upheavals and struggles for control over resources in the face of widespread poverty and economic disarray. Others see the callousness of modern warfare as a natural outcome of the social revolutions that have torn traditional societies apart. The latter analysts point as proof to many African societies that have always had strong martial cultures. While fierce in battle, the rules and customs of those societies, only a few generations ago, made it taboo to attack women and children.

5. Whatever the causes of modern-day brutality towards children, the time has come to call a halt. The present report exposes the extent of the problem and proposes many practical ways to pull back from the brink. Its most fundamental demand is that children simply have no part in warfare. The international community must denounce this attack on children for what it is - intolerable and unacceptable.

6. Children can help. In a world of diversity and disparity, children are a unifying force capable of bringing people to common ethical grounds. Children's needs and aspirations cut across all ideologies and cultures. The needs of all children are the same: nutritious food, adequate health care, a decent education, shelter and a secure and loving family. Children are both our reason to struggle to eliminate the worst aspects of warfare, and our best hope for succeeding at it.

7. Concern for children has brought us to a common standard around which to rally. In the Convention on the Rights of the Child, the world has a unique instrument that almost every country has ratified. The single most important resolve that the world could make would be to transform universal ratification of this Convention into universal reality.

8. It was this challenge, of turning good intentions into real change for children, that led the United Nations Committee on the Rights of the Child in 1993 to recommend to the General Assembly, in accordance with article 45 (c) of the Convention on the Rights of the Child, that it request the Secretary-General to undertake a comprehensive study on the impact of armed conflict on children.

## B. Course of the study and its methodology

9. At its forty-eighth session, the General Assembly adopted resolution 48/157, entitled "Protection of children affected by armed conflicts", in which it requested the Secretary-General to appoint an expert to undertake a comprehensive study with the support of the Centre for Human Rights and the United Nations Children's Fund (UNICEF). The expert was asked to make recommendations in five areas: (1) the participation of children in armed conflict; (2) the reinforcement of preventive measures; (3) the relevance and adequacy of existing standards; (4) the measures required to improve the protection of children affected by armed conflict; and (5) the actions needed to promote the physical and psychological recovery and social reintegration of children affected by armed conflict.

10. In accordance with the resolution, the expert submitted progress reports to the forty-ninth and fiftieth sessions of the General Assembly (A/49/643 and A/50/537). The expert, Ms. Graça Machel, hereby transmits her final report on the impact of armed conflict on children, pursuant to resolution 48/157. The report sets out the findings and recommendations of the expert, who used the Convention on the Rights of the Child throughout her work as a guiding source of operative principles and standards. The Convention on the Rights of the Child represents a new, multidisciplinary approach to protecting children. It demonstrates the interdependence of all children's rights, and the relevance of those rights to the activities of a whole host of actors at all levels. In accordance with the Convention on the Rights of the Child, this report uses the term "child" to include everyone under the age of 18.

11. In the process of her work, the expert identified a number of particular concerns in addition to those identified in paragraph nine of resolution 48/157, including: the changing patterns of conflict; specific impacts on girls and the children of minority and indigenous groups; economic embargoes; rape and other

forms of gender-based violence and sexual exploitation; torture; the inadequate provision of education, health and nutrition and psychosocial programmes; the protection and care of refugee and internally displaced children and other children at particular risk; and the inadequate implementation of international human rights and humanitarian law. Accordingly, with the cooperation of relevant inter-governmental and non-governmental organizations and individual experts, a programme of research into these issues was undertaken through the preparation of twenty-five thematic papers and field-based case studies.

12. Six regional consultations were held to determine regional priorities relating to children in armed conflict and to draw these issues to the attention of Governments, policy makers and opinion leaders. The following consultations took place: First Regional Consultation on the Impact of Armed Conflict on Children in the Horn, Eastern, Central and Southern Africa: Addis Ababa, 17-19 April 1995 (co-convened with the Economic Commission for Africa); Second Regional Consultation on the Impact of Armed Conflict on Children in the Arab Region: Cairo, August 1995 (co-convened with the Economic and Social Commission for Western Asia and UNICEF); Third Regional Consultation on the Impact of Armed Conflict on Children in West and Central Africa: Abidjan, 7-10 November 1995 (co-convened with the African Development Bank, the Economic Commission for Africa and UNICEF); Fourth Regional Consultation on the Impact of Armed Conflict on Children in Asia and the Pacific: Manila, 13-15 March 1996 (co-convened with UNICEF); Fifth Regional Consultation on the Impact of Armed Conflict on Children in Latin America and the Caribbean: Bogota, 17-19 April 1996 (co-convened with the Government of Colombia, Save the Children UK, the Fundación para la Educación Superior de Colombia, and UNICEF); and Sixth Regional Consultation on the Impact of Armed Conflict on Children in Europe: Florence, Italy, 10-12 June 1996 (co-convened with the Government of Italy, the Italian National Committee for UNICEF, the Istitutó degli Innocenti and UNICEF International Child Development Centre).

13. The consultations included Governments, military authorities and legal experts. They also involved human rights organizations, the media, religious organizations, eminent leaders from civil society and women and children directly involved in armed conflicts.

14. The expert personally conducted field visits to areas affected by armed conflicts. Visits were made to Angola, Cambodia, Colombia, Northern Ireland, Lebanon, Rwanda (and refugee camps in Zaire and the United Republic of Tanzania), Sierra Leone and various places in the former Yugoslavia. During these visits, she met with Government representatives, non-governmental organizations, community organizations, women's organizations, religious groups, agencies, national institutions and other interested parties, as well as with children and their families. This direct contact has helped ensure that the present report and its recommendations are firmly based on conditions and priorities within countries. It also ensures that the report reflects not only the experience of those most involved in the care and protection of children, but also the immediate concerns of the affected families and children themselves.

15. The expert received guidance from a group of eminent persons representing a variety of political, religious and cultural backgrounds. The members of the

group are: Belisario Betancur (Colombia), Francis Deng (Sudan), Marian Wright Edelman (United States of America), Devaki Jain (India), Julius K. Nyerere (United Republic of Tanzania), Lisbet Palme (Sweden), Wole Soyinka (Nigeria) and Archbishop Desmond Tutu (South Africa). In addition, the expert received analysis and guidance from an advisory group of technical experts. The members of the advisory group include: Thomas Hammarberg, Chair (Sweden), Philip Alston (Australia), Rachel Brett (United Kingdom of Great Britain and Northern Ireland), Victoria Brittain (United Kingdom of Great Britain and Northern Ireland), Maricela Daniel (Mexico), Helena Gezelius (Sweden), Jim Himes (United States of America), Duong Quynh Hoa (Viet Nam), Elizabeth Jareg (Norway), Helga Klein (United States of America), Salim Lone (Kenya), Jacques Moreillon (Switzerland), Vitit Muntarbhorn (Thailand), Olara A. Otunnu (Uganda), Sadig Rasheed (Sudan), Everett Ressler (United States of America), Jane Schaller (United States of America), Anne Skatvedt (Norway) and Jody Williams (United States of America). The special advisers are: Ibrahima Fall (Senegal), Kimberly Gamble-Payne (United States of America), Stephen Lewis (Canada) and Marta Santos Pais (Portugal).

16. In all of her undertakings, the expert has enjoyed widespread support from Governments, regional bodies, intergovernmental and non-governmental organizations, as well as from United Nations bodies, especially the United Nations Children's Fund (UNICEF), the Centre for Human Rights and the Office of the United Nations High Commissioner for Refugees (UNHCR). Inter-agency consultations convened periodically in Geneva and New York were attended by representatives of the following major international bodies: the Centre for Human Rights, the Department of Humanitarian Affairs, the Food and Agriculture Organization of the United Nations (FAO), the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and their National Societies, the International Labour Organization (ILO), UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNHCR, the United Nations Research Institute for Social Development (UNRISD), the World Food Programme (WFP) and the World Health Organization (WHO).

17. Working groups on children and armed conflict of international non-governmental organizations (NGOs), particularly the Working Group on Children in Armed Conflict of the New York-based NGO Committee on UNICEF and the SubGroup on Refugee Children and Children in Armed Conflict of the Geneva-based NGO Group on the Convention on the Rights of the Child, provided substantial contributions to the expert's research and mobilization activities. Other international, regional (including the Forum of African Voluntary Development Organizations and the African Network on Prevention and Protection Against Child Abuse and Neglect) and national NGOs also contributed to these activities.

18. Seminars were convened on the role of religious communities in protecting children in situations of armed conflict (in Geneva, in cooperation with the World Conference on Religion and Peace) and on the impact of low intensity conflicts on children (in Belfast, in cooperation with Save the Children Fund-UK and Rädda Barnen (Save the Children Fund-Sweden)). A third seminar was held on landmines, child soldiers and rehabilitation (convened in Stockholm in cooperation with the Swedish National Committee for UNICEF, the Swedish Foreign Policy Office, Rädda Barnen, the Swedish Red Cross and other Swedish NGOs).

19. Beyond collecting information, the expert undertook a widespread and unusual process of sensitization and mobilization. This facilitated the development of new networks and coalitions organized both nationally and regionally, and helped to place the concerns addressed in the present report on political and development agendas. The collaborative nature of this undertaking created an opportunity to develop unique new partnerships across disciplines and interest groups. For example, following the First Regional Consultation in Addis Ababa, a new alliance of children's NGOs was set up to coordinate action on child rights and development in eastern, central and southern Africa; following the Third Regional Consultation in Abidjan, a regional initiative was developed to promote the role of women in peace-building, and another proposal is currently being negotiated to provide child rights and protection training for African Chiefs of Defence Staffs; following the Second Regional Consultation in Cairo, a selected bibliography on children and war in the Arab region was published; and following the field visit to Cambodia, UNICEF was requested to assist the Ministry of Social Affairs in training its personnel in the concrete implementation of the rights of children.

20. The expert wishes to acknowledge the considerable support and financial contributions received from national committees for UNICEF and from Redd Barna (Save the Children Fund-Norway), without which this work would not have been possible. Specifically, she wishes to thank the UNICEF National Committees of Germany, Greece, Hong Kong, Japan, the Netherlands, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

21. While the present report is formally submitted for the consideration of the United Nations General Assembly and its Member States, it is also addressed to regional institutions, United Nations bodies, specialized agencies and other competent bodies, including NGOs, relevant special rapporteurs and working groups, intergovernmental bodies and civil society.

## C. Patterns and characteristics of contemporary armed conflicts

22. Violent conflict has always made victims of non-combatants. The patterns and characteristics of contemporary armed conflicts, however, have increased the risks for children. Vestiges of colonialism and persistent economic, social and political crises have greatly contributed to the disintegration of public order. Undermined by internal dissent, countries caught up in conflict today are also under severe stress from a global world economy that pushes them ever further towards the margins. Rigorous programmes of structural adjustment promise long-term market-based economic growth, but demands for immediate cuts in budget deficits and public expenditure only weaken already fragile States, leaving them dependent on forces and relations over which they have little control. While many developing countries have made considerable economic progress in recent decades, the benefits have often been spread unevenly, leaving millions of people struggling for survival. The collapse of functional Governments in many countries torn by internal fighting and the erosion of essential service structures have fomented inequalities, grievances and strife. The personalization of power and leadership and the manipulation of ethnicity and

religion to serve personal or narrow group interests have had similarly debilitating effects on countries in conflict.

23. All of these elements have contributed to conflicts, between Governments and rebels, between different opposition groups vying for supremacy and among populations at large, in struggles that take the form of widespread civil unrest. Many drag on for long periods with no clear beginning or end, subjecting successive generations to endless struggles for survival.

24. Distinctions between combatants and civilians disappear in battles fought from village to village or from street to street. In recent decades, the proportion of war victims who are civilians has leaped dramatically from 5 per cent to over 90 per cent. The struggles that claim more civilians than soldiers have been marked by horrific levels of violence and brutality. Any and all tactics are employed, from systematic rape, to scorched-earth tactics that destroy crops and poison wells, to ethnic cleansing and genocide. With all standards abandoned, human rights violations against children and women occur in unprecedented numbers. Increasingly, children have become the targets and even the perpetrators of violence and atrocities.

25. Children seek protection in networks of social support, but these have been undermined by new political and economic realities. Conflict and violent social change have affected social welfare networks between families and communities. Rapid urbanization and the spread of market-based values have also helped erode systems of support that were once based on the extended family.

26. Unbridled attacks on civilians and rural communities have provoked mass exoduses and the displacement of entire populations who flee conflict in search of elusive sanctuaries within and outside their national borders. Among these uprooted millions, it is estimated that 80 per cent are children and women.

27. Involving children as soldiers has been made easier by the proliferation of inexpensive light weapons. Previously, the more dangerous weapons were either heavy or complex, but these guns are so light that children can use them and so simple that they can be stripped and reassembled by a child of 10. The international arms trade has made assault rifles cheap and widely available so the poorest communities now have access to deadly weapons capable of transforming any local conflict into a bloody slaughter. In Uganda, an AK-47 automatic machine gun can be purchased for the cost of a chicken and, in northern Kenya, it can be bought for the price of a goat.

28. Moreover, the rapid spread of information today has changed the character of modern warfare in important ways. While the world surely benefits from ready access to information, it will pay a price if it fails to recognize that information is never entirely neutral. International media are frequently influenced by one or another of the parties to a conflict, by commercial realities and by the public's degree of interest in humanitarian action. The result of these influences are depictions that can be selective or uneven, or both. Whether a story is reported or not may depend less on its intrinsic importance than on subjective perceptions of the public's appetite for information and on the expense of informing them. For example, while coverage of the conflicts in Bosnia and Herzegovina and Somalia was extensive, very

little has been reported about the conflicts in Afghanistan and Angola. The media is capable of effectively galvanizing international public support for humanitarian action, as it did for Indo-Chinese refugees in the late 1970s and for Somalia in 1992. The threat of adverse international publicity may also be positive, holding the potential for keeping some gross violations of human rights in check. Ultimately, however, while reports of starving children or overcrowded camps for displaced persons may be dramatic, they do little to support efforts for long-term reconstruction and reconciliation.

## II. MITIGATING THE IMPACT OF ARMED CONFLICT ON CHILDREN

29. Armed conflicts across and between communities result in massive levels of destruction; physical, human, moral and cultural. Not only are large numbers of children killed and injured, but countless others grow up deprived of their material and emotional needs, including the structures that give meaning to social and cultural life. The entire fabric of their societies - their homes, schools, health systems and religious institutions - are torn to pieces.

30. War violates every right of a child - the right to life, the right to be with family and community, the right to health, the right to the development of the personality and the right to be nurtured and protected. Many of today's conflicts last the length of a "childhood", meaning that from birth to early adulthood, children will experience multiple and accumulative assaults. Disrupting the social networks and primary relationships that support children's physical, emotional, moral, cognitive and social development in this way, and for this duration, can have profound physical and psychological implications.

31. In countless cases, the impact of armed conflict on children's lives remains invisible. The origin of the problems of many children who have been affected by conflicts is obscured. The children themselves may be removed from the public, living in institutions or, as is true of thousands of unaccompanied and orphaned children, exist as street children or become victims of prostitution. Children who have lost parents often experience humiliation, rejection and discrimination. For years, they may suffer in silence as their self-esteem crumbles away. Their insecurity and fear cannot be measured.

32. This section of the report documents some of the most grave impacts of armed conflict on children. The presentation is not intended to be exhaustive, but to signal major concerns and to suggest practical steps for improvement. It attempts to demonstrate that the impact of armed conflict on children cannot be fully understood without looking at the related effects on women, families and communities. It strives to illustrate how children's well-being is best ensured through family and community-based solutions to armed conflict and its aftermath, and that those solutions work best when they are based on local cultures and drawn from an understanding of child development. This section also emphasizes the importance of considerations of age - in particular, that adolescents have special needs and special strengths. Young people should be seen in that light; as survivors and active participants in creating solutions, not just as victims or problems.

33. The discussion that follows necessarily includes specific examples. It is not an effort to single out specific groups, Governments, or non-state entities. Countries are named representatively and on the basis of what is widely known. In reality, the impact of armed conflict on children is an area in which everyone shares responsibility and a degree of blame.

## A. Child soldiers

34. One of the most alarming trends in armed conflict is the participation of children as soldiers. Children serve armies in supporting roles, as cooks, porters, messengers and spies. Increasingly, however, adults are deliberately conscripting children as soldiers. Some commanders have even noted the desirability of child soldiers because they are "more obedient, do not question orders and are easier to manipulate than adult soldiers". 3/

35. A series of 24 case studies on the use of children as soldiers prepared for the present report, covering conflicts over the past 30 years, indicate that government or rebel armies around the world have recruited tens of thousands of children. Most are adolescents, though many child soldiers are 10 years of age or younger. While the majority are boys, girls also are recruited. The children most likely to become soldiers are those from impoverished and marginalized backgrounds and those who have become separated from their families.

### 1. Recruitment

36. Child soldiers are recruited in many different ways. Some are conscripted, others are press-ganged or kidnapped and still others are forced to join armed groups to defend their families. Governments in a few countries legally conscript children under 18, but even where the legal minimum age is 18, the law is not necessarily a safeguard. In many countries, birth registration is inadequate or non-existent and children do not know how old they are. Recruiters can only guess at ages based on physical development and may enter the age of recruits as 18 to give the appearance of compliance with national laws.

37. Countries with weak administrative systems do not conscript systematically from a register. In many instances, recruits are arbitrarily seized from the streets or even from schools and orphanages. This form of press ganging, known in Ethiopia as "afesa", was prevalent there in the 1980's, when armed militia, police or army cadres would roam the streets picking up anyone they encountered. 4/ Children from poorer sectors of society are particularly vulnerable. Adolescent boys who work in the informal sector, selling cigarettes or gum or lottery tickets, are a particular target. In Myanmar, whole groups of children from 15 to 17 years old have been surrounded in their schools and forcibly conscripted. 4/ Those who can subsequently prove they are under-age may be released, but not necessarily. In all conflicts, children from wealthier and more educated families are at less risk. Often they are left undisturbed or are released if their parents can buy them out. Some children whose parents

have the means are even sent out of the country to avoid the possibility of forced conscription.

38. In addition to being forcibly recruited, youth also present themselves for service. It is misleading, however, to consider this voluntary. While young people may appear to choose military service, the choice is not exercised freely. They may be driven by any of several forces, including cultural, social, economic or political pressures.

39. One of the most basic reasons that children join armed groups is economic. Hunger and poverty may drive parents to offer their children for service. In some cases, armies pay a minor soldier's wages directly to the family. 5/ Child participation may be difficult to distinguish as in some cases whole families move with armed groups. Children themselves may volunteer if they believe that this is the only way to guarantee regular meals, clothing or medical attention. Some case studies tell of parents who encourage their daughters to become soldiers if their marriage prospects are poor. 6/

40. As conflicts persist, economic and social conditions suffer and educational opportunities become more limited or even non-existent. Under these circumstances, recruits tend to get younger and younger. Armies begin to exhaust the supplies of adult manpower and children may have little option but to join. In Afghanistan, where approximately 90 per cent of children now have no access to schooling, the proportion of soldiers who are children is thought to have risen in recent years from roughly 30 to at least 45 per cent. 7/

41. Some children feel obliged to become soldiers for their own protection. Faced with violence and chaos all around, they decide they are safer with guns in their hands. Often such children join armed opposition groups after experiencing harassment from government forces. Many young people have joined the Kurdish rebel groups, for example, as a reaction to scorched earth policies and extensive human rights violations. In El Salvador, children whose parents had been killed by government soldiers joined opposition groups for protection. In other cases, armed forces will pick up unaccompanied children for humanitarian reasons, although this is no guarantee that the children will not end up fighting. This is particularly true of children who stay with a group for long periods of time and come to identify it as their protector or "new family".

42. In some societies, military life may be the most attractive option. Young people often take up arms to gain power and power can act as a very strong motivator in situations where people feel powerless and are otherwise unable to acquire basic resources. In many situations, war activities are glorified. In Sierra Leone, the expert met with child soldiers who proudly defended the number of "enemies" they had killed.

43. The lure of ideology is particularly strong in early adolescence, when young people are developing personal identities and searching for a sense of social meaning. As the case of Rwanda shows, however, the ideological indoctrination of youth can have disastrous consequences. Children are very impressionable and may even be lured into cults of martyrdom. In Lebanon and Sri Lanka, for example, some adults have used young people's immaturity to their

own advantage, recruiting and training adolescents for suicide bombings. 8/ However, it is important to note that children may also identify with and fight for social causes, religious expression, self-determination or national liberation. As happened in South Africa or in occupied territories, they may join the struggle in pursuit of political freedom.

## 2. How child soldiers are used

44. Once recruited as soldiers, children generally receive much the same treatment as adults - including the often brutal induction ceremonies. Many start out in support functions which entail great risk and hardship. One of the common tasks assigned to children is to serve as porters, often carrying very heavy loads of up to 60 kilograms including ammunition or injured soldiers. Children who are too weak to carry their loads are liable to be savagely beaten or even shot. Children are also used for household and other routine duties. In Uganda, child soldiers have often done guard duty, worked in the gardens, hunted for wild fruits and vegetables and looted food from gardens and granaries. Children have also been used extensively in many countries as lookouts and messengers. While this last role may seem less life-threatening than others, in fact it puts all children under suspicion. In Latin America, reports tell of government forces that have deliberately killed even the youngest children in peasant communities on the grounds that they, too, were dangerous. 9/

45. Although the majority of child soldiers are boys, armed groups also recruit girls, many of whom perform the same functions as boys. In Guatemala, rebel groups use girls to prepare food, attend to the wounded and wash clothes. Girls may also be forced to provide sexual services. In Uganda, girls who are abducted by the Lord's Resistance Army are "married off" to rebel leaders. 10/ If the man dies, the girl is put aside for ritual cleansing and then married off to another rebel.

46. A case study from Honduras illustrates one child's experience of joining an armed group:

> "At the age of 13, I joined the student movement. I had a dream to contribute to make things change, so that children would not be hungry ... later I joined the armed struggle. I had all the inexperience and the fears of a little girl. I found out that girls were obliged to have sexual relations 'to alleviate the sadness of the combatants'. And who alleviated our sadness after going with someone we hardly knew? At my young age I experienced abortion. It was not my decision. There is a great pain in my being when I recall all these things ... In spite of my commitment, they abused me, they trampled my human dignity. And above all, they did not understand that I was a child and that I had rights." 11/

47. While children of both sexes might start out in indirect support functions, it does not take long before they are placed in the heat of battle. Here, their inexperience and lack of training leave them particularly exposed. The youngest children rarely appreciate the perils they face. A number of case studies

report that when the shelling starts the children get over-excited and forget to take cover. Some commanders deliberately exploit such fearlessness in children, even plying them with alcohol or drugs. A soldier in Myanmar recalls: "There were a lot of boys rushing into the field, screaming like banshees. It seemed like they were immortal, or impervious, or something, because we shot at them but they just kept coming." 12/

48. The progressive involvement of youth in acts of extreme violence desensitizes them to suffering. In a number of cases, young people have been deliberately exposed to horrific scenes. Such experience makes children more likely to commit violent acts themselves and may contribute to a break with society. In many countries, including Afghanistan, Mozambique, Colombia and Nicaragua, children have even been forced to commit atrocities against their own families or communities.

### 3. Demobilization and re-integration into society

49. Clearly one of the most urgent priorities is to remove everyone under 18 years of age from armed forces. No peace treaty to date has formally recognized the existence of child combatants. As a result, their special needs are unlikely to be taken into account in demobilization programmes. In Mozambique, for example, where recruitment of children was well known, child soldiers were not recognized in demobilization efforts by the Resistência Nacional de Moçambique (RENAMO), the Government or the international community. Official acknowledgement of children's part in a war is a vital step. Peace agreements and related documents should incorporate provisions for the demobilization of children; without this recognition, there can be no effective planning or programming on a national scale.

50. The process of reintegration must help children to establish new foundations in life based on their individual capacities. Former child soldiers have grown up away from their families and have been deprived of many of the normal opportunities for physical, emotional and intellectual development. As article 39 of the Convention on the Rights of the Child emphasizes, recovery and reintegration should take place in an environment that fosters the health, self-respect and dignity of the child.

51. Reintegration programmes must re-establish contact with the family and the community. Even children who are successfully reunited with their families, however, have little prospect of smoothly taking up life as it was before. A formerly cheerful 12-year-old may return home as a sullen 16-year-old who feels newly assertive and independent. Reunification may be particularly difficult for girl soldiers who have been raped or sexually abused, in part because cultural beliefs and attitudes can make it very difficult for them to stay with their families or to have any prospects of marriage. With so few alternatives, many children have eventually become victims of prostitution.

52. In many cases, reunification is impossible. Families may have perished in the conflict or may be untraceable. For some children, a transitional period of collective care may be necessary. Institutional approaches have proven

ineffective, but one way to provide such care is through peer-group living arrangements that are strongly integrated into communities.

53. Effective social reintegration depends upon support from families and communities. But families are also worn down by conflict, both physically and emotionally, and face increased impoverishment. The field visits and research for the present report repeatedly stressed the importance of links between education, vocational opportunities for former child combatants and the economic security of their families. These are most often the determinants of successful social reintegration and, importantly, they are the factors that prevent re-recruitment.

54. Education, and especially the completion of primary schooling, must be a high priority. For a former child soldier, education is more than a route to employment. It also helps to normalize life and to develop an identity separate from that of the soldier. The development of peer relationships and improved self-esteem may also be facilitated through recreational and cultural activities. A difficulty to be faced is the likelihood that former combatants may have fallen far behind in their schooling, and may be placed in classes with much younger children. Specific measures may be required, such as establishing special classes for former child soldiers who can then progressively be reintegrated into regular schools.

55. Many teachers and parents may object to having ex-combatants enrol in schools, fearing that they will have a disruptive effect. Programmes must address these wider community concerns. In some African cultures, strong spiritual convictions hold that anyone who has killed is haunted by the evil spirits of the victims. Thus, to accept a former child soldier into one's village is to accept evil spirits. In such a context, programmes for re-entry into the community have effectively involved traditional healers in "cleansing" and other processes.

56. For older children especially, effective education will require strong components of training in life-skills and vocational opportunity. Preparing older children to find employment will not only help them survive, but may also facilitate their acceptance at home and provide them with a sense of meaning and identity.

57. Child soldiers may find it difficult to disengage from the idea that violence is a legitimate means of achieving one's aims. Even where the experience of participating in "the cause" has been positive, as was often the case for youth who identified with and drew meaning from their part in the struggle against apartheid, the transition to a non-violent lifestyle will be difficult. This is particularly true where the frustrations of poverty and injustice remain. The challenge for Governments and civil society is to channel the energy, ideas and experience of youth into contributing in positive ways to the creation of their new, post-conflict society.

### 4. Preventing future recruitment

58. The research conducted for this study uncovered many practical steps to be taken to prevent future recruitment. First, Governments should work for the finalization and rapid adoption of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. Next, Governments must pay much closer attention to their methods of recruitment, and in particular, they must renounce the practice of forced recruitment. They should ensure that all children are registered at birth and receive documentation of age. To be certain that these measures succeed, Governments must establish effective monitoring systems and back them up with legal remedies and institutions that are sufficiently strong to tackle abuses. For example, in Guatemala in May and June of 1995, the human rights ombudsman's office intervened in 596 cases of forced recruitment of youth. As a result, 148 children under the age of 18 were released.

59. The recruitment of children can be minimized if local communities are aware of national and international laws governing the age of recruitment and if they are sufficiently organized and determined. In El Salvador, Guatemala and Paraguay, ethnic groups and the mothers of child soldiers have formed organizations to pressure authorities for the release of under-age soldiers. NGOs, religious groups and civil society in general have important roles in establishing ethical frameworks that characterize children's participation in armed conflicts as unacceptable. In Peru, it has been reported that forced recruitment drives have declined in areas where parish churches have denounced the activity. Another important preventive measure is the active and early documentation and tracing of unaccompanied children.

60. The United Nations and other international organizations also have important roles in reporting child conscription, raising the issue with those in authority and supporting local groups in their work for the release of children. In Myanmar, protests from aid agencies led to the return of men and boys who had been forcibly recruited from a refugee camp.

61. Armed opposition groups are less amenable to external or formal pressure than government-sponsored armies. Even with such groups, however, Governments and international organizations can exert influence. When Governments ratify the international humanitarian conventions that apply to internal conflicts, then international law holds all armed groups within those countries accountable. In Sudan, humanitarian organizations have negotiated agreements with rebel groups to prevent the recruitment of children. The human rights component within the United Nations Observer Mission in El Salvador (ONUSAL) supported local groups investigating complaints of forced recruitment of minors and raised the issue with authorities. In many cases, United Nations intervention secured the release of the minors involved.

### 5. Specific recommendations on child soldiers

62. The expert submits the following recommendations on the question of child soldiers:

(a) Building on the existing efforts of the Committee on the Rights of the Child, Rädda Barnen, the Friends World Committee for Consultation (Quakers), UNICEF, UNHCR and the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and their National Societies, a global campaign should be launched, led by those same organizations, aimed at eradicating the use of children under the age of 18 years in the armed forces. The media, too, should be encouraged to expose the use of child soldiers and the need for demobilization;

(b) United Nations bodies, specialized agencies and international civil society actors should begin to pursue quiet diplomacy with Government and non-state forces and their international supporters to encourage the immediate demobilization of child soldiers and adherence to the Convention on the Rights of the Child;

(c) All peace agreements should include specific measures to demobilize and reintegrate child soldiers into society. There is an urgent need for the international community to support programmes, including advocacy and social services programmes, for the demobilization and re-integration into the community of child soldiers. Such measures must address the family's economic security and include educational, life-skills and vocational opportunities;

(d) States should ensure the early and successful conclusion of the drafting of the optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, raising the age of recruitment and participation in the armed forces to 18 years.

## B. Refugees and internally displaced children

63. Armed conflict has always caused population movements. During full-scale conflicts, whether or not they cross national boundaries, people flee in large numbers. Their destinations determine whether those who flee will become internally displaced people 13/ in their own countries or refugees 14/ who have crossed national borders. Africa and Asia have been most affected by massive population upheavals but no region has escaped either the phenomenon itself or its ramifications. Wherever it occurs, displacement has a profound physical, emotional and developmental impact on children and increases their vulnerability. Except where otherwise distinguished in the present report, refugees and internally displaced persons, as well as persons in refugee-like situations, are referred to collectively as displaced persons.

64. At the beginning of the 1980s, there were 5.7 million refugees worldwide. By the end of the decade, the number had increased to 14.8 million, and today there are more than 27.4 million refugees and "persons of concern" to UNHCR, that is, some returnees and people living in "safe havens". 15/

65. According to the report of the Representative of the Secretary-General on Internally Displaced Persons (E/CN.4/1996/52/Add.2), the number of internally displaced people has also escalated in recent years, now reaching an estimated 30 million - more than the number of refugees. The protection and assistance needs of the internally displaced are similar to those of refugees in nearly all respects, and yet their situation can be worse. While refugees have often moved outside the war zone, internally displaced persons usually remain within or close to the scene of conflict and they are often likely to be displaced repeatedly.

66. At least half of all refugees and displaced people are children. At a crucial and vulnerable time in their lives, they have been brutally uprooted and exposed to danger and insecurity. In the course of displacement, millions of children have been separated from their families, physically abused, exploited and abducted into military groups, or they have perished from hunger and disease.

### 1. Vulnerability of children in flight

67. To flee from one's home is to experience a deep sense of loss, and the decision to flee is not taken lightly. Those who make this decision do so because they are in danger of being killed, tortured, forcibly recruited, raped, abducted or starved, among other reasons. They leave behind them assets and property, relatives, friends, familiar surroundings and established social networks. Although the decision to leave is normally taken by adults, even the youngest children recognize what is happening and can sense their parents' uncertainty and fear.

68. During flight from the dangers of conflict, families and children continue to be exposed to multiple physical dangers. They are threatened by sudden attacks, shelling, snipers and landmines, and must often walk for days with only limited quantities of water and food. Under such circumstances, children become acutely undernourished and prone to illness, and they are the first to die. Girls in flight are even more vulnerable than usual to sexual abuse. Children forced to flee on their own to ensure their survival are also at heightened risk. Many abandon home to avoid forced recruitment, only to find that being in flight still places them at risk of recruitment, especially if they have no documentation and travel without their families.

### 2. Unaccompanied children

69. Unaccompanied children are those who are separated from both parents and are not in the care of another adult who, by law or custom, has taken responsibility to do so. 16/ Children are often separated from parents in the chaos of conflict, escape and displacement. Parents or other primary care-givers are the major source of a child's emotional and physical security and for this reason family separation can have a devastating social and psychological impact. Unaccompanied children are especially vulnerable and at risk of neglect, violence, military recruitment, sexual assault and other abuses. An

essential goal of relief programmes must be to provide assistance to families to prevent separations.

70. The first priority of relief programmes is to identify a child as unaccompanied and to ensure their survival and protection. The next priorities are documenting, tracing and - whenever possible - reunifying families. Most unaccompanied children are not orphans and, even when both parents are dead, often have relatives, bound by custom and tradition, who are willing and able to care for them. In all cases, it is essential to keep siblings together. In the Great Lakes region of Africa, a vast tracing programme was set up in 1994 by ICRC, IFRC and their National Societies, UNHCR, UNICEF, the Save the Children Fund and other NGOs. More than 100,000 children were registered as unaccompanied, both inside and outside their countries of origin. According to UNHCR, by May 1996, more than 33,000 of these children had been reunited with family members. This positive outcome resulted largely because identification and tracing activities were implemented from the outset of the emergency, and because agencies had committed themselves to cooperate together. Many traditional and non-traditional tracing methods were used, including photo tracing programmes.

71. While families are sought, procedures must be set up to prevent further separation and to provide each unaccompanied child with continuous alternative care. Alternative care is most appropriately found with the extended family, but when this is not possible, it can come from neighbours, friends or other substitute families. Nevertheless these arrangements need careful supervision. Many foster families take excellent care of a child, but where economic and social situations have been undermined by war, children may be at risk of exploitation. The situation of a child in a foster family should therefore always be closely monitored through a community-based system. Initiatives of this kind in the Great Lakes region have produced positive results. These programmes have resulted in closing down unaccompanied children's centres and returning children into the refugee community, combining family mediation and projects to support vulnerable families, enabling them to keep their children.

72. Centres for unaccompanied children, such as orphanages or other institutions, cannot fully meet the emotional and developmental needs of children. And there is always the risk that temporary centres may become permanent. The creation of centres may also in itself generate higher numbers of unaccompanied children. During her visit to the Great Lakes region, the expert was deeply concerned that, as a result of media attention, many centres had been created as a way of profiting from humanitarian aid. Such centres may be attractive to parents who are having difficulty feeding their families and who might easily think it best to leave their children where they will be provided with food and health care. This underlines the need to prevent family separation by ensuring that vulnerable families are supported in caring for their children.

73. In response to the many protection and care problems facing unaccompanied children, UNICEF and UNHCR, in consultation with ICRC, IFRC and their National Societies and some specialized NGOs, have jointly developed an emergency kit to facilitate coordination and to enhance the quality of response to the needs of unaccompanied children. The tools included in the kit, such as registration

forms and Polaroid cameras, are derived from experiences gained from earlier emergencies. The kit also comes with guidelines on the protection and care of unaccompanied children, and it is essential that these are widely disseminated among and followed by relief workers.

74. At the height of a conflict, tracing is particularly difficult. Precisely because that is the case, unaccompanied children should not be considered available for adoption. Adoption severs family links permanently and should not be considered unless all family tracing efforts have been exhausted. This principle is safeguarded by a recommendation adopted in the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption signed at The Hague on 29 May 1994. 17/

### 3. Evacuation

75. Parents living in zones of armed conflict can become so concerned for the safety of their children that they decide to evacuate them, sending them to friends or relatives or having them join large-scale programmes. To parents, evacuation may appear at the time to be the best solution, but this is frequently not the case. In Bosnia and Herzegovina, for example, evacuations were often hastily organized with little documentation. Evacuation also poses a long-term risk to children, including the trauma of separation from the family and the increased danger of trafficking or of illegal adoption. On her visit to Bosnia and Herzegovina, the expert was concerned to learn that some evacuations had been organized by groups intent on exploiting adoption markets. In the case of medical evacuations, difficulties often arise when the foster family, thinking the child will have better opportunities in the host country, does not want to allow the child in their care to return to the original family.

76. As is stressed in the Convention on the Rights of the Child, with articles 9 and 10 regarding family unity being of particular note, all such decisions must be based on the best interests of the child and take her or his opinions into account. If evacuation is essential, whole families should move together, and if this is not possible, children should at least move with their primary care-givers and siblings. Great care should also be taken to ensure that any evacuation is properly documented, and that arrangements are made for the effective reception and care for children and for maintaining contact with other family members, as well as for early reunification. Guidelines on these criteria are supported by UNHCR, UNICEF, ICRC, IFRC and their National Societies. Evacuations are sometimes essential, as international agencies concluded in the Great Lakes region when orphanages were being targeted for purposes of ethnic cleansing. In 1992, UNHCR/UNICEF issued a publication on considerations and guidelines on evacuation of children from conflict areas. These require wide dissemination.

### 4. Children in camps

77. Ideally, camps for refugees or the internally displaced should be places of safety, offering protection and assistance. However, displaced populations are complex societies that often reproduce former divisions and power struggles. At

the same time their traditional systems of social protection come under strain or break down completely and there are often high levels of violence, alcohol and substance abuse, family quarrels and sexual assault. Women and adolescent girls are particularly vulnerable and even the youngest children can be affected when they witness an attack on a mother or a sister. The UNHCR guidelines on sexual violence against refugees outline practical protection measures such as careful lighting, arrangement of latrines and the organizing of people into groups for tasks such as gathering firewood. 18/ These and the UNHCR guidelines on the protection and care of refugee children should be applied to all internally displaced women and children.

78. One important aspect of relief that particularly affects women and children is the distribution of resources such as food, water, firewood and plastic sheeting. Control of these resources represents power. Men are usually in charge of distribution and often abuse their power by demanding bribes or sexual favours. This puts women at risk and especially female heads of households. As recommended in the UNHCR Guidelines on the Protection of Refugee Women, UNHCR and WFP should be in the forefront of ensuring that women are the initial point of control in distribution systems and that appropriate support systems are established for female-headed households.

79. The first days and weeks of a mass displacement of people usually result in high mortality rates for children. Among displaced children, measles, diarrhoeal diseases, acute respiratory infections (ARI), malaria and malnutrition account for 60 to 80 per cent of reported deaths. Factors contributing to high mortality include overcrowding and lack of food and clean water, along with poor sanitation and lack of shelter. Pregnant and lactating women require particular attention, as do displaced children living with disabilities. Children coming from armed conflict are likely to have injuries that require special medical attention. In these circumstances, only a multi-sectoral approach to health and nutrition can protect young children.

80. Camp environments are often highly militarized. In some instances, children have been taken, either forcibly or fraudulently, from camps to a third country for "political education" or military training. In several cases, host Governments have recruited refugee children for military service. 19/

### 5. The situation of internally displaced children

81. Children who are displaced but remain in their own countries face perilous circumstances. They are often worse off than refugees, since they may lack access to protection and assistance. There are an increasing number of situations where families and communities are chronically displaced due to localized, continued armed conflict. Surveys have shown that the death rate among internally displaced persons has been as much as 60 per cent higher than the death rate of persons within the same country who are not displaced. 20/ Even when internally displaced families are housed with relatives or friends, they may not be secure, eventually facing resentment from their hosts because of the limited resources to be shared.

82. Another acute problem for internally displaced children is access to health and education services. In contravention of humanitarian law, the access of internally displaced persons to humanitarian assistance is often impeded. Flight can put them beyond the reach of existing Government or NGO programmes. Even if schools exist, the children may not be able to enrol because they lack proper documentation, are not considered residents of the area or are unable to pay school fees. Feelings of exclusion, as well as the struggle for survival and protection, may lead children to join parties to the conflict or to become street children.

83. While some organizations such as UNHCR, ICRC, IFRC and their National Societies and the International Organization for Migration (IOM) have specific mandates with regard to internally displaced persons, at present there is no clear institutional responsibility for their protection and assistance needs. Organizations with mandates to protect and care for children affected by armed conflicts such as UNICEF, UNHCR and WFP, do not consistently ensure the protection and care of internally displaced children. The expert supports the call of the Representative of the Secretary-General on Internally Displaced Persons for the development of an appropriate legal framework and institutional arrangements to clearly establish assistance and protection responsibilities. The legal framework should be based on the report of the Representative on the compilation and analysis of legal norms applicable to internally displaced persons (E/CN.4/1996/52/Add.2).

### 6. Asylum and the right to identity and nationality

84. Statelessness is a risk for refugee children as they may have difficulty in establishing their identity and nationality. As article 7 of the Convention on the Rights of the Child provides, all children should be registered and receive citizenship at birth. In the case of refugee children, only the host State is in a position to register the child. It is particularly important for a refugee child, especially if unaccompanied, to be provided with clear documentation concerning the identity of parents and place of birth.

85. Families who reach a border are still very exposed, and young girls and women who have been separated from their families are particularly vulnerable to exploitation and abuse from border guards and others. Even those who succeed in crossing a border have no guarantee of asylum. The 1951 Convention and the 1967 Protocol relating to the Status of Refugees may not fully cover those fleeing armed conflict. In cases of mass exodus from countries like Afghanistan and Viet Nam, many Governments were sufficiently flexible to grant temporary refuge. However, since the end of the cold war, many Governments have been more reluctant to grant asylum and have even sought to prevent asylum seekers from reaching their borders. As a minimum, Governments should grant temporary asylum pending the identification of a durable solution.

86. One consequence of current policies is that a number of asylum seekers, including children, are detained while their cases are considered. Seeking asylum cannot be considered an offence or a crime, yet in some cases women and children are incarcerated with criminals. Countries that determine refugee status on an individual basis should under no circumstances refuse access to

unaccompanied children seeking asylum. The Statement of the Sixth Regional Consultation on the Impact of Armed Conflict on Children in Europe stressed that unaccompanied children should have access to asylum procedures regardless of age. Bearing in mind the critical development needs of children, long-term solutions should be found as quickly as possible. In accordance with the Convention on the Rights of the Child and UNHCR guidelines, children should be fully involved in decisions about their future.

### 7. Returning home and durable solutions

87. Long-term solutions for refugees involve voluntary repatriation, local integration or resettlement into new national communities. Whichever is chosen, procedures should be expeditious and carried out in the best interests of the child. The principles relating to voluntary repatriation and reintegration should also be applied to the return of internally displaced persons. These are to ensure that conditions of safety and dignity as well as national protection are available.

88. For refugee or internally displaced families and children returning to their home communities, reintegration may be very difficult. In countries disrupted by many years of conflict, there are often tensions between returnees and residents. For children in particular, one of the most important measures is to ensure education and the opportunity to re-establish family life and productive livelihoods.

89. Another major difficulty is that female heads of households may, on their return, lose property rights and custody of their children. Loss of property rights may also affect child-headed households. These are usually family units of siblings, children of extended family members, or even unrelated children, headed by a minor, usually an adolescent girl. In September 1995, UNICEF and the Rwandan Ministry of Labour and Social Affairs identified 1,939 children living in child-headed households. Their need for legal and social protection is especially acute; lack of land, property and inheritance rights add to their instability. Child-headed households are particularly vulnerable to exploitative labour and prostitution. Dilemmas have arisen in designing appropriate policy and programme responses, especially around the feasibility of foster arrangements. The principle of family unity, even where there are not parents, as safeguarded in the Convention on the Rights of the Child, must be the basis of all support for these children.

### 8. Specific recommendations for refugee and internally displaced children

90. The expert submits the following recommendations for refugee and internally displaced children:

(a) As a priority in all emergencies, procedures should be adopted to ensure the survival and protection of unaccompanied children. Family tracing programmes should be established from the outset of assistance programmes;

(b) Unaccompanied children should, wherever possible, be cared for by their extended family and community rather than in institutions. It is essential that donors support this principle. The vast majority of unaccompanied children have some family somewhere. Therefore, no adoptions should be permitted until exhaustive family tracing, including into the post-conflict phase, has been attempted;

(c) Practical protection measures to prevent sexual violence, discrimination in delivery of relief materials, and the recruitment of children into armed forces must be a priority in all assistance programmes in refugee and displaced camps. Such measures should involve women and youth fully in their design, delivery and monitoring and include advocacy and social services to address abuses and violations of children's rights;

(d) The Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons should evaluate the extent to which assistance and protection are being provided to internally displaced children and develop appropriate institutional frameworks to address their needs. In cooperation with the Department of Humanitarian Affairs in its role under the authority of the Emergency Relief Coordinator, and in consultation with other major humanitarian agencies, in each emergency, a lead agency should be assigned overall responsibility for the protection and assistance of internally displaced persons. In collaboration with the lead agency, UNICEF should provide leadership for the protection and assistance of internally displaced children;

(e) The General Assembly, the Commission on Human Rights, as well as regional organizations, should support the work of the Representative of the Secretary-General on Internally Displaced Persons to develop an appropriate legal framework to increase protection for internally displaced persons and to give particular emphasis to the specific concerns of children;

(f) Intergovernmental bodies, UNHCR, the United Nations Development Fund for Women (UNIFEM) and other organizations should support Governments in strengthening national legislative frameworks challenging any aspect of discrimination against women, girls and child-headed households with particular respect to custody, inheritance and property rights;

(g) The expert urges that UNICEF, UNHCR, FAO and ILO give urgent attention to the situation of child-headed households, and develop policy and programme guidelines to ensure their protection and care.

## C. Sexual exploitation and gender-based violence

### 1. Gender-based violence: a weapon of war

91. Rape poses a continual threat to women and girls during armed conflict, as do other forms of gender-based violence including prostitution, sexual humiliation and mutilation, trafficking and domestic violence. While abuses such as murder and torture have long been denounced as war crimes, rape has been downplayed as an unfortunate but inevitable side effect of war. Acts of gender-based violence, particularly rape, committed during armed conflicts

constitute a violation of international humanitarian law. When it occurs on a massive scale or as a matter of orchestrated policy, this added dimension is recognized as it was at the most recent International Conference of the Red Cross and Red Crescent, as a crime against humanity. Recent efforts to prosecute rape as a war crime, however, have underscored the difficulties in applying international human rights law and humanitarian law.

92. Women of all ages may be victims of violence in conflict, but adolescent girls are particularly at risk for a range of reasons, including size and vulnerability. Their vulnerability is even greater in some localities where they are considered less likely to have sexually transmitted diseases and the HIV/AIDS virus. Characteristics such as ethnicity, class, religion or nationality may be factors that determine which women or girls are subjected to violence. Women and girls are at risk in all settings whether in the home, during flight or in camps to which they have fled for safety. Children affected by gender-based violence also include those who have witnessed the rape of a family member and those who are ostracized because of a mother's assault.

93. Most child victims of violence and sexual abuse are girls, but boys are also affected and cases of young boys who have been raped or forced into prostitution are under-reported. In Bosnia and Herzegovina, sons and fathers have been forced to commit sexual atrocities against each other. In some cases, boys traumatized by violence have also subsequently been the perpetrators of sexual violence against girls.

94. Rape is not incidental to conflict. It can occur on a random and uncontrolled basis due to the general disruption of social boundaries and the license granted to soldiers and militias. Most often, however, it functions like other forms of torture and is used as a tactical weapon of war to humiliate and weaken the morale of the perceived enemy. During armed conflict, rape is used to terrorize populations or to force civilians to flee.

95. Often, gender-based violence is practised with the intent of ethnic cleansing through deliberate impregnation. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia found that this was the case in Bosnia and Herzegovina and in Croatia. 21/ The thousands of Korean women forced to serve as military sexual slaves during the Second World War is another example of rape being used as a weapon of war. 22/

### 2. Child victims of prostitution and sexual exploitation

96. Poverty, hunger and desperation may force women and girls into prostitution, obliging them to offer sex for food or shelter, for safe conduct through the war zone or to obtain papers or other privileges for themselves and their families. Children have been trafficked from conflict situations to work in brothels in other countries, transported from Cambodia to Thailand, for example, and from Georgia to Turkey. In refugee camps in Zaire, the expert heard numerous reports of girls who had been pressured by their families to enter prostitution. Similarly, some parents among the internally displaced communities in Guatemala have been forced to prostitute their children. Other girls have done so in the hope of securing greater protection. In Colombia, for

example, there have been reports of girls as young as twelve submitting themselves to paramilitary forces as a means of defending their families against other groups.

97. With time, different forms of gender-based violence experienced during armed conflicts become institutionalized, since many of the conditions that created the violence remain unchanged. Young girls who have become victims of prostitution for armies, for example, may have no other option but to continue after the conflict has ceased. In Phnom Penh, the number of child victims of prostitution continues to escalate with an estimated 100 children sold into prostitution each month for economic reasons.

98. Children may also become victims of prostitution following the arrival of peacekeeping forces. In Mozambique, after the signing of the peace treaty in 1992, soldiers of the United Nations Operation in Mozambique (ONUMOZ) recruited girls aged 12 to 18 years into prostitution. After a commission of inquiry confirmed the allegations, the soldiers implicated were sent home. 23/ In 6 out of 12 country studies on sexual exploitation of children in situations of armed conflict prepared for the present report, the arrival of peacekeeping troops has been associated with a rapid rise in child prostitution.

99. Sexual exploitation has a devastating impact on physical and emotional development. Unwanted and unsafe sex is likely to lead to sexually transmitted diseases and HIV/AIDS, which not only affect immediate health but also future sexual and reproductive health and mortality. In Cambodia, according to a study prepared for the present report, it is estimated that 60 to 70 per cent of the child victims of prostitution are HIV positive. Adolescent girls may nonetheless suffer in silence after the trauma of sexual exploitation; they often fear reprisals from those who attacked them or rejection by their families, not to mention the sheer personal humiliation and anguish which causes so many of them to withdraw into a shell of pain and denial. WHO has found that among rape victims the risk of suicide is high.

100. When a pregnancy is forced, the determination about whether it will be carried to term depends on many local circumstances, including access to and the safety of abortion, community support systems and existing religious or cultural mores. In Rwanda, the expert heard conflicting reports about the numbers of pregnancies that had been terminated or brought to term, abandoned or adopted.

101. All women and young girls who give birth during conflict must contend with the unexpected economic and psychosocial consequences of raising a child without adequate systems of support. The deterioration of public health infrastructure reduces access to reproductive health services, such as family planning, treatment for sexually transmitted diseases and gynaecological complications, and pre- and post-natal care.

102. Complications in pregnancy and delivery are especially likely for children who have children. Owing to their physical immaturity, many pregnant adolescents experience infection as a result of unsafe or incomplete abortion. Victims of repeated rape and young girls who give birth in the absence of trained birth attendants and in unhygienic conditions are at greater risk of chronic pelvic inflammatory diseases and muscle injury that can result in

incontinence. Without sensitive, timely and adequate medical care, many of these victims die. Some commit suicide because of the humiliation and embarrassment they suffer.

### 3. Ending impunity

103. The failure to denounce and prosecute wartime rape is partly a result of its mischaracterization as an assault against honour or a personal attack rather than a crime against the physical integrity of the victim. The International Tribunal established to try war crimes committed in the former Yugoslavia has indicted eight people on specific charges of rape and sexual assault, despite estimates of up to 20,000 victims. This limited result underscores the difficulties in applying international human rights and humanitarian law to rape - difficulties which are reflected both in the codification and interpretation of national, and even international, law.

104. The widespread practice of rape as an instrument of armed conflict and ethnic cleansing must be ended and its perpetrators prosecuted. National and international law must codify rape as a crime against the physical integrity of the individual, national Governments must hold those who commit rape in internal conflicts accountable and must reform their national laws to address the substantive nature of the abuse. Unwanted pregnancy resulting from forced impregnation should be recognized as a distinct harm and appropriate remedies provided.

105. Overall procedures and mechanisms to investigate, report, prosecute and remedy gender-based violations should be reviewed and strengthened, ensuring the protection of victims who report violations. It is encouraging that some organizations are beginning to include trained and qualified personnel in international human rights monitoring, investigation and verification operations to consider issues of gender violence more systematically.

106. As recommended in the Beijing Platform for Action, gender balance must be sought when nominating or promoting candidates for judicial and all relevant international bodies, including the International Tribunals for the former Yugoslavia and for Rwanda, the International Court of Justice and other bodies related to the peaceful settlement of disputes. Both legal and medical programme personnel, including medical and relief personnel, prosecutors, judges and other officials who respond to crimes of rape, forced impregnation, and other forms of gender-based violence in armed conflict, should be trained to integrate a gender-specific perspective into their work.

### 4. Preventing gender-based violence

107. Prevention of gender-based violence should include a role for the military, and United Nations peacekeepers in particular. Senior officers often have turned a blind eye to the sexual crimes of those under their command, but they must be held accountable for both their own behaviour and that of the men they supervise. The 12 case studies on gender-based violence prepared for the present report found the main perpetrators of sexual abuse and exploitation to

be the armed forces of parties to a conflict, whether governmental or other actors. Military training should emphasize gender sensitivity, child rights and responsible behaviour towards women and children. Offenders must be prosecuted and punished for acts against women and children.

108. Other preventive measures include the construction of shelter, water and sanitation facilities in camps which must be carefully designed to avoid creating opportunities for gender-based aggression against displaced women and children. In situations of armed conflict, all humanitarian assistance must include community-based psychosocial and reproductive health programmes. Higher priority should be given to addressing the needs of children who have witnessed or been subjected to gender-based violence.

109. Humanitarian responses have been largely inadequate. UNHCR, however, has published guidelines on prevention and response to sexual violence against refugees and guidelines on evaluation and care of victims of trauma and violence. These are important efforts to ensure that relief workers are equipped to respond to the special needs of victims of sexual violence. Some effective programmes do exist, such as the "Women Victims of Violence" project in Kenya. This was initiated by UNHCR following the very large number of rapes committed by bandits and local security personnel in the Somali refugee camps of north-eastern Kenya. During a field visit to Bosnia and Herzegovina, the expert visited a number of community-based programmes, such as "Bosfam" and "Bospo" that provide support for women, including victims of sexual violence, in regaining control over their lives through small-scale income-generating activities. Such programmes have been few and far between, however. To be effective, they should provide comprehensive services including economic assistance and psychosocial support, and they should not overtly identify the women as victims. If such initiatives are to succeed, the local community must be involved in their design and implementation.

### 5. Specific recommendations on sexual exploitation and gender-based violence

110. The expert submits the following recommendations on sexual exploitation and gender-based violence:

(a) All humanitarian responses in conflict situations must emphasize the special reproductive health needs of women and girls including access to family planning services, pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, including HIV/AIDS. Equally important are the psychosocial needs of mothers who have been subjected to gender-based violence and who need help in order to foster the conditions necessary for the healthy development of their children;

(b) All military personnel, including peacekeeping personnel, should receive instruction on their responsibilities towards civilian communities and particularly towards women and children as part of their training;

(c) Clear and easily accessible systems should be established for reporting on sexual abuse within both military and civilian populations;

(d) The treatment of rape as a war crime must be clarified, pursued within military and civilian populations, and punished accordingly. Appropriate legal and rehabilitative remedies must be made available to reflect the nature of the crime and its harm;

(e) Refugee and displaced persons camps should be so designed as to improve security for women and girls. Women should also be involved in all aspects of camp administration but especially in organizing distribution and security systems. Increased numbers of female personnel should be deployed to the field as protection officers and counsellors;

(f) In every conflict, support programmes should be established for victims of sexual abuse and gender-based violence. These should offer confidential counselling on a wide range of issues, including the rights of victims. They should also provide educational activities and skills training.

## D. Landmines and unexploded ordnance

111. The spread of light weapons of all kinds has caused untold suffering to millions of children caught up in armed conflict. Many of these weapons have a devastating impact not only during the period of conflict, but for decades thereafter. Landmines and unexploded ordnance probably pose the most insidious and persistent danger. Today, children in at least 68 countries live amid the contamination of more than 110 million landmines. Added to this number are millions of items of unexploded ordnance, bombs, shells and grenades that failed to detonate on impact. Like landmines, unexploded ordnance are weapons deemed to have indiscriminate effects, triggered by innocent and unsuspecting passers-by. 24/

112. Landmines have been employed in most conflicts since the Second World War, and particularly in internal conflicts. Afghanistan, Angola and Cambodia alone have a combined total of at least 28 million landmines, as well as 85 per cent of the world's landmine casualties. Angola, with an estimated 10 million landmines, has an amputee population of 70,000, of whom 8,000 are children. African children live on the continent most plagued by landmines - there are as many as 37 million mines in at least 19 African countries - but all continents are affected to some extent. 25/

### 1. The threat to children

113. Landmines and unexploded ordnance pose a particular danger for children, especially because children are naturally curious and likely to pick up strange objects they come across. Devices like the "butterfly" mines used extensively by the former Union of Soviet Socialist Republics in Afghanistan are coloured bright green and have two "wings". Although they were not designed to look like toys, such devices can still hold a deadly attraction for children. Children are also more vulnerable to the danger of landmines than adults because they may not recognize or be able to read warning signs. Even if they are aware of mines, small children may be less able than adults to spot them: a mine laid in

grass and clearly visible to an adult may be less so to a small child, whose perspective is two or three feet lower.

114. The risk to children is further compounded by the way in which mines and unexploded ordnance become a part of daily life. Children may become so familiar with mines that they forget they are lethal weapons. In northern Iraq, children have been known to use mines as wheels for toy trucks, and in Cambodia children have been seen playing "boules" with B40 anti-personnel mines, even beginning their own collections of landmines. 26/ The dangers from unexploded ordnance are very similar, and in many places these weapons are much more numerous. During her field visit to Cambodia, the expert noted that civilians increasingly use mines and other devices for daily activities such as fishing, guarding private property and even settling domestic disputes. Such familiarity dulls awareness of the dangers of these devices.

115. The victims of mines and unexploded ordnance tend to be concentrated among the poorest sectors of society, where people face danger every day when cultivating their fields, herding their animals or searching for firewood. In many cultures, these are the very tasks carried out by children. In Viet Nam, for example, it is young children who look after the family water buffalo, which often roam freely in areas where the ground has been mined or contains unexploded bombs and shells. Many poor children also work as scavengers. In a village in Mozambique in 1995, several children were collecting scrap metal to sell in the local market. When they took it to the market and placed it on a scale, the metal exploded, killing 11 children. 27/ Child soldiers are particularly vulnerable, as they are often the personnel used to explore known minefields. In Cambodia, a survey of mine victims in military hospitals found that 43 per cent had been recruited as soldiers between the ages of 10 and 16.

116. A mine explosion is likely to cause greater damage to the body of a child than to that of an adult. Anti-personnel mines are designed not to kill, but to maim, yet even the smallest mine explosion can be lethal for a child. In Cambodia, an average 20 per cent of all children injured by mines and unexploded ordnance die from their injuries. 28/ For the children who survive, the medical problems related to amputation are often severe, as the limb of a growing child grows faster than the surrounding tissue and requires repeated amputation. As they grow, children also need new prostheses regularly. For young children, this can mean a new prosthesis every six months. The extended medical treatment and psychosocial support that mine injuries demand make them extremely expensive for the families of the victims and for society in general. Girls are even less likely than boys to receive special medical attention and prostheses. The burden and the expense of rehabilitative care should be considered in recovery and social reintegration programmes.

117. Even where children themselves are not the victims, landmines and unexploded ordnance have an overwhelming impact on their lives. Families already living on the edge of survival are often financially devastated by mine incidents. Surveys in Cambodia have revealed that 61 per cent of families with a mine victim to support were in debt because of the accident. Additionally, when a parent is a mine casualty, the lost ability to work can substantially weaken the care and protection available to children. A field survey in

Afghanistan reported that unemployment for adult males rose from 6 to 52 per cent as a result of landmine accidents.

118. Indiscriminate weapons also strike at a country's reconstruction and development. Roads and footpaths strewn with landmines impede the safe repatriation and return of refugee and displaced children and their families. Land seeded with millions of landmines and unexploded ordnance is unfit for sowing productive crops, and the threat of mines inhibits the circulation of goods and services.

### 2. Mine clearance, mine awareness and rehabilitation

119. Protecting children and other civilians from landmines and unexploded ordnance demands rapid progress in four major areas: a ban on landmines; mine clearance that will eventually remove the problem; mine awareness programmes that help children to avoid injury; and rehabilitation programmes that help children recover. The Department of Humanitarian Affairs of the Secretariat has advanced the relatively new concept of humanitarian mine clearance. The United Nations considers that an area meets safety standards when it is 99.9 per cent free of landmines. Clearing landmines is a long and expensive business: each one takes 100 times longer to remove than to deploy and a weapon that costs $3 or less to manufacture may eventually cost $1,000 to remove. The countries most contaminated by mines are generally among the world's poorest, so there is little prospect that they can afford to finance their own de-mining programmes. Only Kuwait has been able to devote the necessary resources to mine clearance.

120. The United Nations is responding to this problem with the Voluntary Trust Fund for Assistance in Mine Clearance. To date, countries have pledged $22 million of the United Nations goal of $75 million, and so far $19.5 million has been received. 29/ The Department of Humanitarian Affairs, as the focal point for mine-related activities within the United Nations system, is developing the Voluntary Trust Fund and de-mining stand-by capacity as quick response instruments to develop national programmes. Protection from landmines is a shared international responsibility and the costs should be borne by the companies and countries that have profited from the manufacture and sale of mines.

121. Far greater attention must be paid to increasing national capacity to address the consequences of landmines and unexploded ordnance. This requires sustainable financial support for mine-clearance teams and medical rehabilitation programmes. It is essential to establish and support local mechanisms for coordination, the open sharing of information and the development of consistent mine awareness messages. Commercial teams often clear only the major roads and generally follow the priorities of central Government or of businesses such as airports and commercial transportation routes. Too often, children's needs are ignored and the areas around schools or rural footpaths are left uncleared. Mine clearance should be adapted to local knowledge and priorities. In the area of medical rehabilitation, the development of local capacity for prosthetics production is essential. This can provide economic opportunity for victims and contribute to their psychosocial well being.

122. Mine awareness programmes help people to recognize landmines and suspected mined areas and explain what to do when a mine is discovered or an incident occurs. These programmes have been undertaken in a number of countries, but for children, they are not as effective as they need to be, making relatively little use of techniques that are interactive or tailored to the needs of different age groups. Often, mine awareness teams simply enter a community, present information and leave - an approach that does not address the behavioural changes an affected community must make to prevent injury. Recent programmes have been more carefully prepared, not merely telling participants about the issues, but trying to involve them in the learning process. For example, a new programme developed by Save the Children Fund - US for Kabul (a city with more than 1 million mines) emphasizes participants' involvement, child-to-child approaches, multi-media presentations, role playing, survivors as educators and the creation of safe play areas.

### 3. The need for an international ban

123. The immense impact of landmines and the damage they will continue to cause for many years to come has stimulated an international campaign to ban their manufacture and use. In 1992, a global coalition of non-governmental organizations formed the International Campaign to Ban Landmines, and there has been considerable progress since. The Secretary-General has strongly advocated an end to the landmine scourge and, in resolution 49/75 D, the General Assembly has called for their eventual elimination. UNICEF and UNHCR have adopted stringent policies against doing any business with companies or subsidiaries of companies that produce or sell anti-personnel mines. Some 41 countries have now stated that they are in favour of banning landmines and some have already taken concrete steps to ban the use, production and trade of the weapons and have begun to destroy their stocks. The expert urges that all States follow the lead of countries like Belgium and enact comprehensive national legislation to ban landmines.

124. Many legal experts believe that landmines are already an illegal weapon under international law and should be prohibited because they counter two basic principles of humanitarian law. First, the principle of distinction holds that attacks may only be directed against military objectives. Landmines do not distinguish between military and civilian targets. Second, the principle of unnecessary suffering holds that, even if an attack is directed against a legitimate military objective, the attack is not lawful if it can result in excessive injury or suffering to civilians. Thus, the military utility of a weapon must outweigh its impact on civil society, and the long destructive life of a landmine is clearly greater than any immediate utility. These principles apply to all States as part of customary international law.

125. The use of landmines is specifically regulated by Protocol II of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Worldwide pressure resulting from the International Campaign to Ban Landmines led to a call for a review conference on the Convention, which took place between September 1995 and May 1996. While some progress was made in revising Protocol II to the Convention, this legal

protection falls far short of even the bare minimum needed to protect children and their families. The expert hopes that the next conference in 2001 will agree on a total ban, at least on anti-personnel mines.

### 4. Specific recommendations on landmines and unexploded ordnance

126. The expert submits the following recommendations on landmines and unexploded ordnance:

(a) Governments should immediately enact comprehensive national legislation to ban the production, use, trade and stockpiling of landmines. Governments should support the campaign for a worldwide ban, at least on anti-personnel mines, at the next review conference to the Convention on Conventional Weapons in 2001. In order to reduce the threat of unexploded ordnance, the conference should also make concrete proposals to address the impact on children of other conventional weapons, such as cluster bombs and small-calibre weapons;

(b) In reports to the Committee on the Rights of the Child, States Parties, where relevant, should report on progress in enacting comprehensive legislation. Furthermore, they should report on measures being taken in mine clearance and in programmes to promote children's awareness of landmines and to rehabilitate those who have been injured;

(c) Humanitarian mine clearance should be established as a part of all peace agreements, incorporating strategies to develop national capacity for mine clearance;

(d) Governments must provide sufficient resources to support long-term humanitarian mine clearance. Such funding should be provided bilaterally and through international assistance such as the United Nations Voluntary Trust Fund for Assistance in Mine Clearance;

(e) Countries and companies that have profited from the sale of mines should be especially required to contribute to funds designated for humanitarian mine clearance and mine awareness programmes. Measures to reduce the proliferation and trade of landmines, such as consumer boycotts, should be explored;

(f) A technical workshop on mine awareness should be held by the Department of Humanitarian Affairs, UNICEF, UNESCO and involved NGOs. The purpose would be to assess lessons learned, promote best practice in child-focused mine awareness programmes and improve coordination, assessment and evaluation.

## E. Sanctions

127. The present report focuses on armed conflict, but a closely-related issue that also has a serious impact on children is the imposition of economic sanctions. In recent years, economic sanctions have been seen as a cheaper,

non-violent alternative to warfare. In his follow-up report to "An Agenda for Peace" (A/50/60), the Secretary-General of the United Nations recognized that sanctions raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders. Since 1991, under Article 41, Chapter VII of the Charter of the United Nations, the international community has collectively imposed sanctions on Iraq, the Federal Republic of Yugoslavia (Serbia and Montenegro), the Libyan Arab Jamahiriya and Haiti. In addition, countries can and have employed bilateral sanctions. In the post-cold war era, it seems likely that sanctions will play an increasingly important part in international policy. Governments are reluctant to commit troops and funds to international military intervention and see sanctions as a safer recourse that can be applied at lower cost to the embargoing power. While not necessarily the case, sanctions also appear less deadly than military action for the population of the target country.

### 1. Humanitarian exemptions

128. In theory, most sanctions regimes exempt critical humanitarian supplies from general embargoes. In practice, sanctions have so far proved blunt instruments. Humanitarian exemptions tend to be ambiguous and are interpreted arbitrarily and inconsistently. They often cause resource shortages; disrupt the distribution of food, pharmaceuticals and sanitation supplies; and reduce the capacity of the public health system to maintain the quality of food, water, air, and medicine. Delays, confusion and the denial of requests to import essential humanitarian goods cause resource shortages. While these effects might seem to be spread evenly across the target populations, they inevitably fall most heavily on the poor. Those with power and influence will usually have ways of acquiring what they need, while the general population struggles to survive with what remains. While adults can endure long periods of hardship and privation, children have much less resistance, and they are less likely to survive persistent shortages. Studies from Cuba, Haiti and Iraq following the imposition of sanctions each showed a rapid rise in the proportion of children who were malnourished. In Haiti after 1991, for example, one study indicated that the price of staple foods increased fivefold and the proportion of malnourished children increased from 5 to 23 per cent. 30/

129. Even when exemptions are permitted, the conditions applied may be unacceptable to the Government in power. Indeed, those Governments and authorities against which sanctions are imposed are rarely personally affected and may be precisely those less responsive to the plight of their people. Iraq since 1990 has experienced the most comprehensive regime ever imposed. In order to mitigate some of the effects on health and nutrition, the Security Council adopted resolution 706 (1991) to permit the use of frozen Iraqi funds to purchase food and medicine, stipulating that these supplies had to be purchased and distributed under the supervision of the United Nations. The Iraqi Government considered these conditions unacceptable and only started to discuss them in 1995. Meanwhile, the situation for children has deteriorated. Over the past five years, infant mortality is thought to have tripled. 31/ The "oil-for-food" procedures contained in Security Council resolution 986 (1995) present an opportunity to mitigate the negative impact of sanctions on Iraqi

children. To take full advantage of this opportunity, however, all currency generated through oil sales should be dedicated to humanitarian and civilian purposes.

130. In the interests of children, the international community should cease to impose comprehensive economic sanctions without obligatory and enforceable humanitarian exemptions and agreed mechanisms for monitoring the impact of sanctions on children and other vulnerable groups. Any measures taken should be precisely targeted at the vulnerabilities of the political or military leaders whose behaviour the international community wishes to change. These actions could include an arms embargo, the freezing of all corporate and individual overseas assets, the stopping of certain kinds of economic transactions, the suspension of air links and other forms of communication and the isolation of countries from the rest of the world through cultural, academic and economic boycotts.

### 2. The need for child impact assessments and monitoring

131. Sanctions should be judged against the standards of universal human rights, particularly the Convention on the Rights of the Child. The primary consideration must always be the potential human impact, which should influence the imposition and choice of sanctions, the duration, the legal provisions and the operation of the sanctions regime. Sanctions should not be imposed without advance assessment of the economic and social structure of the target country and the ability of the international community to sustain continuous monitoring.

132. Monitoring systems make it possible to assess the impact of the embargo on health and well-being. At minimum, such assessments should measure changes in access to essential medicines and medical supplies (especially items that may serve both civilian and military purposes such as chlorine for water purification or lab reagents for health screening and testing), water quality and quantity, the nutritional state of children and the infant mortality rate.

133. When targeted sanctions are imposed, humanitarian exemptions should be formulated with clear guidelines. At the same time, in order to help vulnerable groups, the established agencies should formulate appropriate humanitarian assistance programmes. If essential humanitarian goods are denied to the population, the sanctioning powers have a responsibility to assure new sources of supply. When the Security Council imposes sanctions, it should also simultaneously provide resources to neutral, independent bodies to monitor the situation of vulnerable groups. In the event that the position of children deteriorates, the United Nations should assume responsibility for redressing the situation.

134. Since many of the effects of sanctions, particularly the health impact, may only become evident over a period of years, no sanctions regime should be allowed to continue indefinitely. When the Security Council imposes sanctions, it should also clearly define the circumstances under which they should be lifted. If the sanctions fail to produce the desired result within a predetermined period, they should be replaced by other measures.

### 3. Specific recommendations on sanctions

135. The expert submits the following recommendations on sanctions:

(a) The international community should ensure that whenever sanctions are imposed they provide for humanitarian, child-focused exemptions. The international community should establish effective monitoring mechanisms and child impact assessments. These must be developed with clear application guidelines;

(b) Humanitarian assistance programmes of the United Nations specialized agencies and of NGOs should be exempt from approval by the Security Council Sanctions Committee;

(c) A primary concern when planning a targeted sanctions regime should be to minimize its impact on vulnerable groups, and particularly children. Sanctions or other measures taken by the Security Council should be precisely targeted at the vulnerabilities of those whose behaviour the international community wishes to change;

(d) The Security Council Sanctions Committee should closely monitor the humanitarian impact of sanctions and amend sanctions immediately if they are shown to cause undue suffering to children.

## F. Health and nutrition

136. The effects of armed conflict on child development accumulate and interact with each other. The stage of physical, psychosocial, cognitive and moral development that a child has reached directly affects his or her ability to cope with these impacts. Consistent with article 39 of the Convention on the Rights of the Child, obliging States Parties to promote the physical and psychological recovery and social reintegration of children affected by armed conflict, the following three subsections of the report are devoted to health and nutrition, psychosocial well-being and education.

137. Thousands of children are killed every year as a direct result of fighting, from knife wounds, bullets, bombs and landmines, but many more die from malnutrition and disease caused or increased by armed conflicts. The interruption of food supplies, the destruction of food crops and agricultural infrastructures, the disintegration of families and communities, the displacement of populations, the destruction of health services and programmes and of water and sanitation systems all take a heavy toll on children. Many die as a direct result of diminished food intake that causes acute and severe malnutrition, while others, compromised by malnutrition, become unable to resist common childhood diseases and infections.

138. Given their vulnerability, it is no surprise that around 2 million children are estimated to have died as a result of armed conflict in the last decade. 32/ In Mozambique alone, between 1981 and 1988, armed conflict caused 454,000 child deaths, while in Somalia, according to WHO, crude mortality rates increased 7 to 25 times. Some of the highest death rates occur among children in refugee

camps. These statistics are in stark contrast to the intent behind article 6 of the Convention on the Rights of the Child, which asserts that States Parties shall ensure to the maximum extent possible the survival and development of the child. Article 24 states that the child has a right to the highest standard of health and medical care available.

139. Many of today's armed conflicts take place in some of the world's poorest countries, where children are already vulnerable to malnutrition and disease, and the onset of armed conflict increases death rates up to 24 times. All children are at risk when conflicts break out, but the most vulnerable are those who are under five and already malnourished.

### 1. Communicable diseases

140. Since 1990, the most commonly reported causes of death among refugees and internally displaced persons during the early influx phase have been diarrhoeal diseases, acute respiratory infections, measles and other infectious diseases. Even in peacetime, these are the major killers of children, accounting for some seven million child deaths each year. 33/ Their effects are heightened during conflicts, partly because malnutrition is likely to be more prevalent, thereby increasing chances of infection.

141. Diarrhoea is one of the most common diseases. In Somalia during 1992, 23 to 50 per cent of deaths in Baidoa, Afgoi and Berbera were reported to be due to diarrhoea. Cholera is also a constant threat and, following armed conflicts, it has occurred in refugee camps in Bangladesh, Kenya, Malawi, Nepal, Somalia and Zaire, amongst others. Acute respiratory infections, including pneumonia, are particularly lethal in children and, according to WHO, killing one-third of the children who died in six refugee centres in Goma, Zaire, in 1994. Measles epidemics have been reported in recent situations of conflict or displacement in several African countries - at the height of the conflict in Somalia, more than half the deaths in some places were caused by measles. As tuberculosis re-emerges as a dangerous threat to health the world over, its effect is heightened by armed conflict and disruption. WHO estimates that half the world's refugees may be infected with tuberculosis, as the crowded conditions in refugee camps often promote the spread of tubercular infection. Malaria has always been a major cause of morbidity and mortality among refugees in tropical areas, particularly among people who come from areas of marginal transmission and who move through or settle in endemic areas. Children, as always, are the most vulnerable to these collective assaults on health and well-being.

142. The potential for greater spread of sexually transmitted diseases, including HIV/AIDS, increases dramatically during conflicts. Population movements, rape, sexual violence and the breakdown of established social values all increase the likelihood of unprotected sexual activity and larger numbers of sexual partners. Reduced access to reproductive health services, including education, increases the vulnerability of adolescents in particular. The breakdown of health services and blood transfusion services lacking the ability to screen for HIV/AIDS also increase transmission. NGOs and agencies such as FAO and UNICEF have noted a dramatic increase in the incidence of child headed households as one of the consequences of HIV/AIDS in parts of Africa. This

trend is likely to increase. It is essential that agencies design clear strategies to assist children in these situations without disrupting family unity.

## 2. Reproductive health

143. In times of conflict, the provision of primary health care in conjunction with interventions to secure clean water, adequate nutrition, shelter and sanitation, will be the priority health agenda. However, reproductive health is also important for the physical and psychosocial well-being of men and women, and particularly of young girls. The reproductive health of pregnant women and mothers is integrally tied to the health of newborns and children. WHO advocates that reproductive health services based on women's needs and demands, with full respect for religious and cultural backgrounds, should be available in all situations. The effects of armed conflicts - family and community breakdown, rapid social change, the breakdown of support systems, increased sexual violence and rape, malnutrition, epidemics and inadequate health services, including poor prenatal care - make it imperative that the right to reproductive health care is given high priority. The problems caused by complications in pregnancy and delivery and by unwanted and unsafe sex can be immediate, as is the case with chronic pelvic inflammatory diseases. They can also adversely effect women's future sexual and reproductive health and that of their children by leading to health conditions such as infertility, paediatric AIDS and congenital syphilis.

144. The insufficient attention paid to reproductive health issues in emergency situations led to the development of the UNHCR/UNFPA Inter-Agency Field Manual on Reproductive Health in Refugee Situations. Reproductive health programmes that involve women and adolescents in their design, implementation and assessment help to build personal capacities, lead to more relevant programmes and can make important contributions to the health and development of young people and women in situations of armed conflict. In South Africa, for example, UNICEF reports that young people have been involved effectively in the design, testing and implementation of youth health situation analyses, and in Ghana, peer educators in health projects for children living or working in the streets, 34/ have improved their programmes by involving young people in assessments.

## 3. Disability

145. Millions of children are killed by armed conflict, but three times as many are seriously injured or permanently disabled by it. According to WHO, armed conflict and political violence are the leading causes of injury, impairment and physical disability and primarily responsible for the conditions of over 4 million children who currently live with disabilities. In Afghanistan alone, some 100,000 children have war-related disabilities, many of them caused by landmines. The lack of basic services and the destruction of health facilities during armed conflict mean that children living with disabilities get little support. Only 3 per cent in developing countries receive adequate rehabilitative care, and the provision of prosthetics to children is an area

that requires increased attention and financial support. In Angola and Mozambique, less than 20 per cent of children needing them received low-cost prosthetic devices; in Nicaragua and El Salvador, services were also available for only 20 per cent of the children in need. This lack of rehabilitative care is contrary to article 23 of the Convention on the Rights of the Child, which lays out clearly the responsibilities of States Parties for ensuring effective access of disabled children to education, health and rehabilitation services.

### 4. Destruction of health facilities

146. In most wars, and particularly in internal conflicts, health facilities come under attack, in direct violation of the Geneva Conventions of 1949. During the armed conflict from 1982 to 1987 in Nicaragua, for example, 106 of the country's 450 health units were eventually put out of service as a result of complete or partial destruction, and a further 37 health posts were closed owing to frequent attacks. The intensity of the war also diverted much of the health service to the needs of immediate casualties. Hospitals maintained low occupancy rates in order to be able to receive the injured at short notice and they were forced either to neglect the regular care of patients or to shift them to health centres. Even health facilities that remain open during a conflict offer very restricted service. In Mozambique, between 1982 and 1990, about 70 per cent of health units were looted or forced to close down and the remainder were difficult to reach because of curfews.

147. A concentration on military needs also means that children injured in a conflict may not get effective treatment or rehabilitation. Effects on general health care can be just as severe. Health services suffer from a shortage of personnel as health workers move to other areas or leave the country. After the Khmer Rouge period, for example, Cambodia was left with only about 30 doctors. Restrictions on travel also hamper the distribution of drugs and other medical supplies, and health referral services, supervision and logistic support break down.

148. For children, one of the most dangerous implications of this breakdown is the disruption of rural vaccination programmes. During Bangladesh's struggle for independence in 1971-1972, childhood deaths increased 47 per cent. Smallpox, a disease that had virtually disappeared prior to the conflict, claimed 18,000 lives. By 1973, in Uganda, immunization coverage had reached an all-time high of 73 per cent. After the fighting started in that country, coverage declined steadily until, according to WHO sources, by 1990, fewer than 10 per cent of eligible children were being immunized with anti-tuberculosis vaccine (BCG), and fewer than 5 per cent against diphtheria, pertussis and tetanus (DPT), measles and poliomyelitis. The situation has improved dramatically, but the lessons are clear.

### 5. Protecting health services and health workers

149. In actions at both global and national level, the health sector should continue to promote children's rights to survival and development while doing all it can to prevent and alleviate their suffering. In the midst of armed

conflict, WHO urges that health facilities be respected as safe environments for the care of patients and as safe workplaces for health workers. The delivery of medical assistance should not be prevented or obstructed. Moreover, the health care system and the community should work together, using health care wherever possible as an opportunity to gain access to children for other positive purposes.

150. During times of war, health services should emphasize the need for continuity of care and long-term follow-up. Emergency health relief must be linked with long-term development support and planning that not only permit survival, but also bring about long-lasting positive changes in children's lives. Paediatric and gynaecological care must become a regular component of all relief programmes. In the post-conflict phase, health systems must be sustainable, and programmes must be designed with as much involvement as possible from the affected communities. One obstacle to the full enjoyment of health services is that they are often dominated by men, whether expatriate or from the host country. For cultural or religious reasons, many women and girls underutilize the services despite risks to their health. Governments, United Nations bodies and specialized agencies such as WHO, UNHCR and UNICEF should increase the numbers of female health and protection professionals available in emergency situations.

151. Armed conflict is a major public health hazard that cannot be ignored. Any disease that had caused as much large-scale damage to children would long ago have attracted the urgent attention of public health specialists. When armed conflict kills and maims more children than soldiers, the health sector has a special obligation to speak out. Health professionals must be advocates of the rights of the child.

### 6. Disruption of food supplies

152. One of the most immediate effects of armed conflict is to disrupt food supplies. Food production is affected in many ways. Farmers, who are often women and older children, become fearful of working on plots of land too far from their homes. They reduce the area under cultivation, and their water sources, systems of irrigation and flood control may also be destroyed. Restrictions on movement limit access to such necessities as seeds and fertilizers and stop farmers from taking their produce to market. Damage to food systems is incidental to conflicts in some cases. In others it is deliberate, as in the early 1980s in Ethiopia, when the Government's scorched earth policies destroyed hundreds of thousands of acres of food-producing land in Tigray. 35/ Both the quantity and quality of available food is affected by damage done to food systems, and even when the conflict subsides, it is difficult to recover quickly. In many countries, mined fields prevent their use as agricultural land. In the Juba valley in Somalia, where people have been returning to their villages since 1993, the continuing lack of security means that the main harvest in 1995 was as much as 50 per cent lower than before the conflict. 36/

153. Warfare also takes its toll on livestock. In the Kongor area of Sudan, for example, a massacre of both people and cattle reduced livestock from around

1.5 million down to 50,000. 37/ This situation creates particular problems for young children who rely on milk as part of their basic diet. Loss of livestock also undermines family security in general, since cattle are frequently used as a form of savings.

154. Most households in developing countries, including many farm households, rely on market purchases to meet their food needs. Economic disruption heightens unemployment, reducing people's ability to buy food. People in cities are sometimes tempted to resort to looting to feed their families, thus escalating the violence. The continuation of conflict also hinders the distribution of relief. In contravention of humanitarian law, warring parties frequently block relief supplies or divert them for their own use. In addition, feeding centres for children and vulnerable groups are frequently bombed or attacked.

## 7. Malnutrition

155. For the young children especially, many health problems during armed conflicts are linked to malnutrition. Before the war in former Yugoslavia, per capita food supplies were relatively abundant, representing 140 per cent of daily requirements compared with 98 per cent in Liberia and 81 per cent in Somalia. The situation in Bosnia and Herzegovina subsequently deteriorated, but still did not reach levels as shockingly low as in Somalia during 1993 or Liberia in 1995. At those times, more than 50 per cent of the children in some regions were suffering from moderate or severe malnutrition. 38/

156. Malnutrition can affect all children, but it causes the greatest mortality and morbidity among young children, especially those under the age of three. In emergencies, very young children may be at high risk of "wasting" or acute malnutrition, a condition indicated by low weight for height. During the 1983 famine in southern Sudan, FAO reported that the prevalence of wasting reached the unprecedented level of 65 per cent. Recent refugee crises have shown how rapidly morbidity and mortality can progress. Malnutrition weakens children's ability to resist attacks of common childhood diseases, and the course and outcome of these diseases are more severe and more often fatal in malnourished children. Malnutrition also has a negative impact on children's cognitive development. In addition to these nutritional hazards, the circumstances of armed conflict greatly increase exposure to environmental hazards. Poor waste disposal and inadequate or contaminated water supplies aggravate the vicious circle of malnutrition and infection.

157. Adequate nourishment also depends on the way food is distributed, the way children are fed, their hygiene and the time parents have available to care for children. Armed conflict puts heavy constraints on the care system, forcing mothers and other members of the family to spend more time outside the home searching for water, food or work. Above all, when the whole family has to take flight, it has little chance to give children the close attention they need.

158. Breastfeeding provides ideal nutrition for infants, reduces the incidence and severity of infectious diseases and contributes to women's health. Infants should be breastfed exclusively for about six months and should continue to be

breastfed with adequate complementary food for two years or beyond. During conflicts, mothers may experience hunger, exhaustion and trauma that can make them less able to care for their children. Breastfeeding may be endangered by the mother's loss of confidence in her ability to produce milk. Unless they are severely malnourished, mothers can breastfeed adequately despite severe stress. In addition, the general disruption can separate mothers from their children for long periods. As the conflicts proceed, social structures and networks break down. Knowledge about breastfeeding is passed from one generation to the next and this can be lost when people flee and families are broken up. Artificial feeding, risky at all times, is even more dangerous in unsettled circumstances.

159. In times of armed conflict, it is important to support women's capacity to breastfeed by providing adequate dietary intake for lactating women and ensuring that they are not separated from their children. Unfortunately, during emergencies, donors often respond with large quantities of breast milk substitutes for which there has been little medical or social justification. In July 1996, in response to the increasing prevalence of HIV infection globally and to additional information on the risk of HIV transmission through breastfeeding, the Joint and Co-sponsored United Nations Programme on HIV/AIDS circulated an interim statement on HIV and infant feeding. That statement emphasized the importance of breastfeeding, while highlighting the urgency of developing policies on HIV infection and infant feeding. It provided policy makers with a number of key elements for the formulation of such policies, laying particular stress on empowering women to make informed decisions about infant feeding. 39/

160. Children's health and growth are also affected by the lack of fresh fruits and vegetables, which are good sources of vitamins and minerals. Quality of diet is particularly important for small children, who can only eat small quantities of food at one time. Thus, it is essential to ensure that their food has a high concentration of energy and nutrients or is given frequently. When, during a conflict, the nutritional quality of food deteriorates, the family may not have the necessary means or knowledge to make changes that will assure children an adequate diet.

161. Even when the conflict is over, it may take a long time to return to normal feeding. FAO reports that, in Mozambique, for example, some young couples returning to the country from refugee camps did not know how to prepare any foods other than the maize, beans and oil that had been distributed to them as rations. They were not familiar with traditional foods or feeding practices and did not know which local foods to use during weaning. And where parents or grandparents had been lost, there was no one available to teach them.

### 8. Protecting food security

162. One of the most common responses to emergencies of all kinds, including armed conflicts, is food relief. It is important to move away from the view that food relief is a solution in itself, and towards the more constructive approach that includes food relief as part of a wider strategy aimed at improving household food security and the general health status of the population. This is particularly crucial in many long-running conflicts, where

people need to build up their own capacities to support themselves. In southern Sudan, the short-term distribution of food is now being linked with support for agriculture, livestock and fisheries programmes.

163. In many cases, recourse to outside food assistance is unavoidable. In these circumstances the goal should be to meet the food needs of all persons, including young children, by ensuring access to a nutritionally adequate general ration. When this is not feasible, it may be necessary to establish supplementary feeding programmes for vulnerable groups, but these should be regarded as short-term measures to compensate for inadequate general rations. Dry rations that can be used by families in their own homes are preferable to feeding centres, as WHO surveys suggest that less than 50 per cent of malnourished children actually attend the centres. They may be too far away, and mothers may be reluctant to spend a disproportionate amount of time with a malnourished child over other members of the family. During a field visit to Rwanda, the expert was made aware of how many children from the poorest families did not attend feeding centres. UNICEF staff reported that these families often expressed feelings of shame or spoke of discouragement from better-off neighbours. Moreover, many such programmes have been poorly managed. Overcrowded feeding centres lacking basic sanitation and hygiene, with inadequate water supplies and poorly mixed food, do little for malnourished children and actually lead to the spread of disease.

164. In too many situations, children are considered separately from the family, and feeding programmes for children are established without considering other options that would improve their nutritional status. These options include improving household food security and reducing women's workloads by offering better access to water and fuel. This would clear more time in a woman's day for caring for her children. The Statements of the First and Third Regional Consultations on Africa and the field trips for this study underlined the importance of family unity and of capacity-building for family and community self-reliance.

### 9. Specific recommendations on health and nutrition

165. The expert submits the following recommendations on health and nutrition:

(a) All parties to a conflict must ensure the maintenance of basic health systems and services and water supplies. Where new programmes must be introduced, they should be based on community participation and take into account the need for long-term sustainability. Special attention should be paid to primary health care and the care of children with chronic or acute conditions. Adequate rehabilitative care, such as provision of artificial limbs for injured and permanently disabled children, should be ensured to facilitate the fullest possible social integration;

(b) Child-focused basic health needs assessments involving local professionals, young people and communities should be speedily carried out by organizations working in conflict situations. They should take into account food, health and care factors and the coping strategies likely to be used by the affected population;

(c) During conflicts, Governments should support the health and well-being of their population by facilitating "days of tranquillity" or "corridors of peace" to ensure continuity of basic child health measures and delivery of humanitarian relief. United Nations bodies, international NGOs and civil society groups (particularly religious groups) should approach and persuade non-state armed entities to cooperate in such efforts;

(d) WFP, in collaboration with WHO, UNHCR and other United Nations bodies, specialized agencies and other international organizations, should take a lead role in consolidating current attempts to ensure that emergency food and other relief distribution is structured so as to strengthen family unity, integrity and coping mechanisms. It should be an integral part of a broader strategy for improving the nutrition and health status and physical and mental development of children and the food and health securities of their families;

(e) Parties in conflict should refrain from destruction of food crops, water sources and agriculture infrastructures in order to cause minimum disruption of food supply and production capacities. Emergency relief should give more attention to the rehabilitation of agriculture, livestock, fisheries and employment or income generating programmes in order to enhance local capacities to improve household food security on a self-reliant and sustainable basis;

(f) The expert urges WHO, in collaboration with professional, humanitarian and human rights organizations such as the International Paediatric Association, Medecins Sans Frontières and Physicians for Human Rights, to encourage doctors, paediatricians and all other health workers to disseminate child rights information and report rights violations encountered in the course of their work.

## G. Promoting psychological recovery and social reintegration

166. Armed conflict affects all aspects of child development - physical, mental and emotional - and to be effective, assistance must take each into account. Historically, those concerned with the situation of children during armed conflict have focused primarily on their physical vulnerability. The loss, grief and fear a child has experienced must also be considered. This concern is reflected in article 39 of the Convention of the Rights of the Child, which requires States Parties to take all appropriate measures to promote children's physical and psychological recovery and social reintegration. This is best achieved by ensuring, from the outset of all assistance programmes that the psychosocial concerns intrinsic to child growth and development are addressed.

167. In a survey of 3,030 children conducted by UNICEF in Rwanda in 1995, nearly 80 per cent of the children had lost immediate family members, and more than one third of these had actually witnessed their murders. These atrocities indicate the extremes to which children have been exposed during conflicts. But apart from direct violence, children are also deeply affected by other distressing experiences. Armed conflict destroys homes, splinters communities and breaks down trust among people, undermining the very foundations of children's lives.

The impact of being let down and betrayed by adults is measureless in that it shatters the child's world view.

## 1. Psychosocial impact of violence on children

168. The ways in which children respond to the stress of armed conflict will depend on their own particular circumstances. These include individual factors such as age, sex, personality type, personal and family history and cultural background. Other factors will be linked to the nature of the traumatic events, including their frequency and the length of the exposure. Children who suffer from stress display a wide range of symptoms, including increased separation anxiety and developmental delays, sleep disturbances and nightmares, lack of appetite, withdrawn behaviour, lack of interest in play, and, in younger children, learning difficulties. In older children and adolescents, responses to stress can include anxious or aggressive behaviour and depression.

169. Relatively little is known about the psychosocial long-term effects of recent lengthy civil wars. The loss of parents and other close family members leaves a life-long impression and can dramatically alter life pathways. During the events marking the fiftieth anniversary of the Second World War, many people recalled the pain and sorrow they suffered as children at the loss of loved ones and described how such losses continue to affect them.

170. All cultures recognize adolescence as a highly significant period in which young people learn future roles and incorporate the values and norms of their societies. The extreme and often prolonged circumstances of armed conflict interfere with identity development. As a result, many adolescents - especially those who have had severely distressing experiences - cannot conceive of any future for themselves. They may view their lives very pessimistically, suffer from serious depression or, in the worst of circumstances, commit suicide. They may not wish to seek help or support from adults. Moreover, sudden changes in family circumstances, such as the death or disappearance of parents, can leave youth without guidance, role models and sustenance. During conflicts, some adolescents become responsible for the care of younger siblings. Youth are also often under pressure to actively join in the conflict, or are threatened with forced recruitment. Despite all of this, adolescents, during or after wars, seldom receive any special attention or assistance. This is a matter of urgent concern.

171. In addition to the suffering they undergo as a result of their own difficult experiences, children of all ages also take cues from their adult care-givers. Seeing their parents or other important adults in their lives as vulnerable can severely undermine children's confidence and add to their sense of fear. When armed conflict causes a change in the behaviour of adults, such as extreme protectiveness or authoritarianism, children find it very difficult to understand.

## 2. Best practices for recovery programmes

172. All programmes for children should take into account the rights of children and their developmental needs. They should also incorporate best practices that emphasize knowledge and respect for local culture and traditions and ensure ongoing consultation and participation with local authorities and communities. Programmes must have a long-term perspective and be flexible enough to adapt to the changing circumstances of armed conflict. They must also be sustainable and continue well after the conflict.

173. Experience has shown that with supportive care-givers and secure communities, most children will achieve a sense of healing and some will prove remarkably resilient. A large group of unaccompanied boys from southern Sudan, for example, arrived in Ethiopia after a long and harrowing journey on foot. These were boys who had been trained from an early age to survive in harsh conditions, away from home, in nomadic cattle camps. When they reached the relative safety of refugee camps, they were able to recuperate quickly.

174. The ways in which individuals and communities cope with, react to and understand stressful events can differ markedly from one culture to another. Although many symptoms of distress have universal characteristics, the ways in which people express, embody and give meaning to their distress are largely dependent on social, cultural, political and economic contexts. Likewise, the manner in which different cultures deal with manifestations of emotional distress is based on different belief systems. In some eastern spiritual traditions, for example, the body and mind are perceived as a continuum of the natural world. Indeed, in many ethno-medical systems, the body and the mind are always dependent on the actions of others, including spirits and ancestors. In Angola, for example, and in many areas of Africa, the main sources of trauma are considered to be spiritual. If a child's mother dies in armed conflict and the child flees without having conducted the proper burial ritual, the child will live with the strong fear that the mother's spirit will cause harm. Western diagnostic approaches can be ill-suited to a context in which people are more likely to turn for assistance to family, friends and traditional healers than to seek medical help for their problems.

175. Psychotherapeutic approaches based on western mental health traditions tend to emphasize individual emotional expression. This method may not be feasible in all contexts. While many forms of external intervention can help promote psychosocial recovery, experience with war trauma programmes has shown that even those designed with the best intentions can do harm. Some organizations, for example, put a great deal of emphasis on trauma therapy in residential treatment centres. Exploring a child's previous experience with violence and the meaning that it holds in her or his life is important to the process of healing and recovery. However, such an exploration should take place in a stable, supportive environment, by care-givers who have solid and continuing relationships with the child. In-depth clinical interviews intended to awaken the memories and feelings associated with a child's worst moments risk leaving the child in more severe pain and agitation than before, especially if the interviews are conducted without ongoing support for follow-up.

176. Another difficulty is faced when journalists or researchers encourage children to relate horror stories. Such interviews can open up old wounds and tear down a child's defences. Children who are photographed and identified by name can be exposed to additional problems and harassment. Journalists and researchers must carry out their important work with awareness of the ethical issues at stake. For example, there should be an understanding in advance of the kind of information that is confidential and should not be used.

177. Best practice emphasizes that the most effective and sustainable approach is to mobilize the existing social care system. This may, for example, involve mobilizing a refugee community to support suitable foster families for unaccompanied children. Through training, and raising the awareness of central care-givers including parents, teachers and community and health workers, a diversity of programmes can enhance the community's ability to provide care for its children and vulnerable groups. Building expensive facilities and removing children to them is not a sustainable approach. Institutionalizing children and identifying them as traumatized can impose an inadvertent stigma and contribute to isolation and withdrawal. Nor should groups of children who have had especially traumatic experiences, such as former child soldiers or unaccompanied children, be segregated from the community, since this will contribute to further risk, distress and marginalization. At regional consultations in Africa and Europe, as well as during several field trips, the importance of urging Governments, donors and programme practitioners to minimize and actively avoid institutional approaches was emphasized.

178. Those who wish to help with healing should have a deep understanding of and respect for the societies in which they are working. Aside from knowing the basic principles of child development and the way it is understood locally, they should also understand local culture and practices, including the rites and ceremonies related to growing up and becoming an adult as well as those associated with death, burial and mourning. People involved in healing should be aware, for example, of what children are told about the death of their parents, how they are expected to behave when they experience distressing events and what actions might be taken to give "cleansing" to a girl who has been raped or to a child who has killed someone.

179. Integrating modern knowledge of child development and child rights with traditional concepts and practices may take time, but it will result in more effective and sustainable ways to meet children's needs. In research contributed to the present study, the International Save the Children Alliance identified a number of principles and activities that promote healing by fostering a sense of purpose, self-esteem and identity. These include establishing a sense of normalcy through daily routines such as going to school, preparing food, washing clothes and working in the fields. Children also need the intellectual and emotional stimulation that is provided by structured group activities such as play, sports, drawing and storytelling. The most important factor contributing to a child's resilience is the opportunity for expression, attachment and trust that comes from a stable, caring and nurturing relationship with adults.

180. Children who have been continually exposed to violence almost always experience a significant change in their beliefs and attitudes, including a

fundamental loss of trust in others. This is especially true of children who have been attacked or abused by people previously considered neighbours or friends, as happened in Rwanda and the former Yugoslavia. At a seminar convened on behalf of the study, a Bosnian boy told of this devastation: "We spent our childhood together. I saw him and hoped that he would save my life. He was ready to kill me". Rebuilding the ability to trust is a universal challenge in the wake of conflicts, but it is particularly important for those who are a part of children's daily lives. Establishing good relationships with children involves playing with, listening to and supporting them, as well as keeping promises.

181. Families and communities can better promote the psychosocial well-being of their children when they themselves feel relatively secure and confident about the future. Recognizing that families and communities are often fragmented and weakened by armed conflict, programmes should focus on supporting survivors in their efforts to heal and rebuild their social networks. It is therefore vital that all forms of external help be given in such a way as to enhance people's ability to help themselves. This should include, for example, assisting parents and teachers to communicate with children on difficult issues. Reconstructing a social web and a sense of community helps people act together to improve their lives. It is particularly important that aid programmes include women at an early stage in making decisions about designing, delivering and evaluating initiatives. The process of evaluation can draw upon its relevance for the community, the improved capacities of parents and care-givers to support child development, and the enhanced abilities of children to form relationships and to function well in school and other activities.

182. In order to ensure that their needs are met, young people should themselves be involved in community-based relief, recovery and reconstruction programmes. This can be achieved through vocational and skills training that not only helps to augment their income, but also increases their sense of identity and self-worth in ways that enhance healing. One way in which programmes have succeeded in giving adolescents a sense of meaning and purpose is to involve them in developing and implementing programmes for younger children.

### 3. Specific recommendations to promote psychosocial well-being

183. The expert submits the following recommendations to promote psychosocial well-being:

(a) All phases of emergency and reconstruction assistance programmes should take psychosocial considerations into account, while avoiding the development of separate mental health programmes. They should also give priority to preventing further traumatic experience;

(b) Rather than focusing on a child's emotional wounds, programmes should aim to support healing processes and to re-establish a sense of normalcy. This should include establishing daily routines of family and community life, opportunity for expression and structured activities such as school, play and sports;

(c) Programmes to support psychosocial well-being should include local culture, perceptions of child development, an understanding of political and social realities and children's rights. They should mobilize the community care network around children;

(d) Governments, donors and relief organizations should prevent the institutionalization of children. When groups of children considered vulnerable, such as child soldiers, are singled out for special attention, it should be done with full cooperation of the community so as to ensure their long-term reintegration.

## H. Education

184. Article 28 of the Convention on the Rights of the Child underlines the right to education, and article 29 states that education should develop the child's personality, talents and mental and physical abilities to their fullest potential. Education also serves much broader functions. It gives shape and structure to children's lives and can instil community values, promote justice and respect for human rights and enhance peace, stability and interdependence.

185. Education is particularly important at times of armed conflict. While all around may be in chaos, schooling can represent a state of normalcy. School children have the chance to be with friends and enjoy their support and encouragement. They benefit from regular contacts with teachers who can monitor their physical and psychological health. Teachers can also help children to develop new skills and knowledge necessary for survival and coping, including mine awareness, negotiation and problem solving and information about HIV/AIDS and other health issues. Formal education also benefits the community as a whole. The ability to carry on schooling in the most difficult circumstances demonstrates confidence in the future: communities that still have a school feel they have something durable and worthy of protection.

### 1. Risks to education during conflict

186. Schools are targeted during war, in part because they have such high profiles. In rural areas, the school building may be the only substantial permanent structure, making it highly susceptible to shelling, closure or looting. In Mozambique, for example, a study prepared for the present report estimated that 45 per cent of primary school networks were destroyed. Often, local teachers are also prime targets because they are important community members and tend to be more than usually politicized. According to the above-mentioned study, during the crisis in Rwanda, more than two-thirds of teachers either fled or were killed. The destruction of educational infrastructures represents one of the greatest developmental setbacks for countries affected by conflict. Years of lost schooling and vocational skills will take equivalent years to replace and their absence imposes a greater vulnerability on the ability of societies to recover after war.

187. Formal education is also generally at risk during war because it relies on consistent funding and administrative support that is difficult to sustain

during political turmoil. During the fighting in Somalia and under the Khmer Rouge regime in Cambodia, public expenditure on education was reduced to nearly nothing.

188. It is less difficult to maintain educational services during low-intensity conflicts, as in Sri Lanka and Peru, and schooling is likely to continue during periodic lulls in countries where fighting is intermittent or seasonal. Even where services are maintained, however, education will be of lower quality. Funds will be short and the supply of materials slow or erratic. In addition, fear and disruption make it difficult to create an atmosphere conducive to learning and the morale of both teachers and pupils is likely to be low. Studies in Palestinian schools reported that teachers and students had difficulty concentrating, particularly if they had witnessed or experienced violence or had family members in prison or in hiding. Teachers are also exposed to political pressure: in Kurdish areas in Turkey, for example, teachers have been threatened by non-state forces for continuing to teach the Turkish curriculum. In some countries, teachers have been forced to inform on students and their families. Teachers who go for long periods without salaries are more susceptible to corruption.

## 2. Challenges and opportunities

189. Though still inadequate, relief programmes direct most attention in times of armed conflict to the education of refugee children. This is partly because, when children are massed together in camps, there are economies of scale and it is easier to approximate a classroom situation. In some countries, this reality simply reflects the dominance of inflexible formal education systems that persist despite growing doubts about their quality, relevance and content. Insufficient attention to the education needs of non-refugees during armed conflict is also attributable to the fact that some of the donors most active during conflicts are constrained by their mandates to work exclusively with refugees. Other donors have been reluctant to use emergency funds for what they have chosen to interpret as long-term development activities.

190. The education needs of children remaining within conflict zones must be met. The expert calls, therefore, for educational activity to be established as a priority component of all humanitarian assistance. Educational administrators who wish to ensure continuity must, when possible, collaborate closely with local political and military authorities and be assured of considerable support from a wide range of community groups and NGOs. Indeed, where public sector agencies are absent or severely weakened, such groups may provide the only viable institutional frameworks.

191. Since schools are likely to be targets, one element of the planning process should be to establish alternative sites for classrooms, changing the venues regularly. In Eritrea in the late 1980s, classes were often held under trees, in caves or in camouflaged huts built from sticks and foliage. Similar arrangements were made during the height of the fighting in many places in the former Yugoslavia, where classes were held in the cellars of people's homes, often by candlelight. During the field trip to Croatia and Bosnia and

Herzegovina, many people stressed to the expert the importance of maintaining education, no matter how difficult the circumstances.

192. Education can also incorporate flexible systems of distance learning after the conflict has ended, which can be cost-effective when school facilities have been destroyed and teachers have been lost. These involve home or group study using pre-packaged teaching materials complemented by broadcast and recorded media. Such systems are particularly valuable for girls when parents are reluctant to have them travel far from home. The statement of the Second Regional Consultation on the Impact of Armed Conflict on Children in the Arab Region emphasized the importance of such programmes and called upon Governments, educators, NGOs and concerned international bodies to ensure that formal, non-formal and informal education interventions are delivered through a variety of community channels.

193. When children have been forced to leave their homes and are crowded into displaced persons camps, establishing schooling systems as soon as possible reassures everyone by signalling a degree of stability and a return to normal roles and relationships within the family and the community. Such education requires only the most basic materials. One important innovation in recent years has been the development by UNESCO and UNICEF of a teacher's emergency pack (TEP), otherwise known as "school-in-a-box". The pack contains very basic items including a brush and paint for a blackboard, chalk, paper, exercise books, pens and pencils. It was first used in Somalia in 1992 and further refined in the refugee camps in Djibouti. The packs were widely used for the rapid establishment of schools for Rwandan refugees at Ngara in Tanzania, where children attended primary grades in tents on a shift basis. Agreements with a number of international NGOs have led to several programmes in which the distribution of TEPs has been linked with teacher training and other initiatives. The TEP is intended to cover the first few months of emergency schooling. Longer-term initiatives require the development of materials tailored to specific groups of children.

194. Notwithstanding the success of initiatives like TEP, the expert was particularly concerned to discover the lack of meaningful educational activity for adolescents, particularly at secondary school level. In situations of armed conflict, education can prove particularly effective in assisting the psychosocial well-being of adolescents and keeping them out of military service.

195. Many modern educators prefer non-competitive learner-centred approaches that help foster self-confidence in children and develop a wide range of skills. The expert agrees, but cautions that such methods are still unfamiliar in many countries and must be introduced carefully in programmes so as not to disempower local teachers or confuse pupils. Special care should also be taken to adapt the methods and content of education to the social context. At the Second Regional Consultation in the Arab Region, it was suggested that local relevance could be facilitated by allowing parents, communities and children to play more active roles in the design, content and implementation of curricula and in flexible education methodologies. Youth volunteers and local community leaders should be involved in baseline assessments, which are a necessary first step in identifying the educational strengths and weaknesses that are available for those planning educational services in communities affected by conflict. During

her field visit to Sierra Leone, the expert was encouraged by the enthusiasm shown for innovative educational alternatives, particularly for the training and deployment of mothers, adolescents and other non-traditional teachers in emergency programmes.

196. Apart from emergency education programmes in camps, refugee children can sometimes attend regular schools in host countries, though very few get the opportunity to do so. Host States can be reluctant to allow refugee education, fearing that this will encourage refugees to remain permanently on their territory. The denial of education clearly contravenes both article 22 of the 1951 Convention relating to the Status of Refugees and article 28 of the Convention on the Rights of the Child, which require that States Parties provide refugee children with the same treatment as is accorded to nationals with respect to elementary education. The expert noted with grave concern that some host Governments refuse to provide, or to allow international agencies to provide, educational activity for refugee children. Despite active intervention and strong protests, UNHCR has sometimes proven unable to persuade Governments that such action is destructive to children. The expert calls upon the international community to support the efforts of United Nations bodies, specialized agencies and other organizations to meet more effectively the international standards for the care, protection and welfare of children. Further, host Governments, international agencies and other educational providers are urged to work more closely with the World Bank, UNICEF, the United Nations Development Programme (UNDP) and UNESCO to ensure that education services are part of both relief and immediate reconstruction activities. Upon their return home, children should be provided with access to continued schooling of a consistent level and quality.

197. When international agencies and partners operate programmes for refugees in remote locations, there is a danger that the education standards will be higher for the refugees than for the local population. Clearly, local children should also be educated to at least a similar standard. This requires greater collaboration among international agencies, NGOs and host Governments.

198. When refugee children attend local schools, they may need special programmes to help them fill knowledge gaps and learn the language. Even when language is not a barrier, children may still suffer harassment, discrimination or bullying unless school staff take preventive measures.

199. Even when educational opportunities exist, parents may be reluctant to send their children to school during armed conflicts. Some need their children to work to contribute to the family economy; others are worried about what their children will learn. During the conflict between the Muslim and Croat factions in Bosnia and Herzegovina, for example, refugee parents were worried about the content of education, particularly in subjects like history, geography and literature. Some parents have religious objections to girls and boys attending school together after a certain age. The recent decision of the Taliban in Afghanistan to curtail girls' access to education in the areas under their control has been of particular concern for United Nations specialized agencies and NGOs. The expert commends the difficult decisions taken by NGOs and agencies such as UNICEF to stop working in the affected areas until there is the possibility of equality of opportunity between girls and boys, and of

implementing the agreed principles of the Convention on the Rights of the Child and the World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs adopted at Jomtien, Thailand, in 1990.

200. The expert supports the call from the 1996 Inter-Agency Consultation on Education for Humanitarian Assistance and Refugees that post-conflict educational planning be initiated during emergencies with local, national and regional educational and resource actors, including the World Bank and others who are currently only involved in reconstruction efforts. Education has a vital role to play in rehabilitation, yet is rarely considered a priority in relief programmes. Educational initiatives developed for conflict situations should therefore be designed to allow for easy integration in the post-conflict period.

201. Many Governments and specialized agencies have given easy priority to the physical reconstruction of schools, but rather less attention to teacher training and the development of new curricula and teaching methods. Even where the critical political will to invest in education has been present, education systems often suffer from a persistent shortage of funds.

202. Countries that host refugees often lack resources; most host Governments in Africa have yet to achieve universal primary education for their own populations. Investment in education requires political commitment from Governments. The declaration of the 1990 World Conference on Education for All noted that many developing countries spent more on average on the military than on education and health combined. If countries continue to employ four times as many soldiers as teachers, education and social systems will remain fragile and inadequate and Governments will continue to fail children and break the promises made to them through ratification of the Convention on the Rights of the Child. At the World Conference on Education for All, UNESCO, UNICEF, UNDP and the World Bank, called on Governments to adapt their spending priorities so as to achieve basic education for 80 per cent of the world's children by the year 2000, and equality of educational opportunity for girls and boys. The expert fully supports this call and, further, wishes to encourage those bodies to reorder their own spending priorities, operational policies and partnerships to help ensure that the right to education is fulfilled for children caught up in situations of armed conflict.

### 3. Specific recommendations on education

203. The expert submits the following recommendations on education:

(a) All possible efforts should be made to maintain education systems during conflicts. The international community must insist that Government or non-state entities involved in conflicts do not target educational facilities, and indeed promote active protection of such services;

(b) Preparations should also be made for sustaining education outside of formal school buildings, using other community facilities and strengthening alternative education through a variety of community channels;

(c) Donors should extend the boundaries of emergency funding to include support for education. The establishment of educational activity, including the provision of teaching aids and basic educational materials, should be accepted as a priority component of humanitarian assistance;

(d) As soon as camps are established for refugees or internally displaced persons, children should be brought together for educational activities. Incentives for attendance should also be encouraged through, for example, measures to promote safety and security. Special emphasis should be placed on providing appropriate educational activities for adolescents. Besides promoting access to secondary education, the expert urges Governments, international agencies and NGOs to develop age-appropriate educational programmes for out of school youth, in order to address their special needs and reflect their rights to participation;

(e) Support for the re-establishment and continuity of education must be a priority strategy for donors and NGOs in conflict and post-conflict situations. Training should equip teachers to deal with new requirements. These will include recognizing signs of stress in children as well as imparting vital survival information on issues such as landmines, health and promoting respect for human rights;

(f) The expert urges the Committee on the Rights of the Child to issue strong guidance to States Parties on the interpretation of articles of the Convention on the Rights of the Child relating to their responsibility to provide education to children.

## III. RELEVANCE AND ADEQUACY OF EXISTING STANDARDS FOR THE PROTECTION OF CHILDREN

204. Through the Convention on the Rights of the Child, now ratified by nearly all countries, the world has recognized that the rights of children include the right to have their basic needs met. It is a basic need of children to be protected when conflicts threaten and such protection requires the fulfilment of their rights through the implementation of international human rights and humanitarian law.

205. States Parties to the Convention on the Rights of the Child are responsible for all children within their territory without discrimination. In accepting the role of the Committee on the Rights of the Child in monitoring the implementation of the Convention on the Rights of the Child, States Parties have also recognized that the protection of children is not just a national issue, but a legitimate concern of the international community. This is especially important since many of the most serious violations of children's rights are taking place in situations of conflict, such as Liberia and Somalia, where there is currently no functioning national Government. National and international strategies to protect children must empower and build the capacities of women, families and communities to address the root causes of conflict and strengthen local development.

206. Increased efforts are needed to ensure that relief and protection measures specifically include child-centred actions. During the expert's field visits and regional consultations, she found that many relief organizations offer assistance without taking into account the broader needs of children or ensuring effective cooperation. Moreover, in many cases only cursory attention was given to developing appropriate emergency responses that take age and gender into consideration.

207. One of the greatest challenges in providing protection is to ensure safe access. Formerly, hospitals and refugee camps were considered miniature safe havens, but this is no longer the case. Humanitarian activities from relief convoys to health clinics have all become targets, imperiling families, children and those who try to assist them - particularly locally recruited staff. Many governmental and non-governmental agencies have been least able to assist internally displaced children and their families and to help those who are living in besieged communities.

208. In some conflicts, temporary cessations of hostilities have been negotiated to permit the delivery of humanitarian relief in the form of "corridors of peace" and "days of tranquillity". In El Salvador, Lebanon and Afghanistan, for example, these agreements were supported by all warring parties to permit the vaccination of children. In the case of Operation Lifeline Sudan, such arrangements were made to deliver relief supplies and vaccines during relative lulls in the conflict. The precedents set by these child-centred agreements are useful models to relate practical protection measures to the implementation of humanitarian and human rights law.

209. Thus it is that we seek to have protection framed by the standards and norms embodied in international law, national legislation and local custom and practice. Politicians and soldiers have long recognized that they can achieve many of their objectives if they fight within agreed standards of conduct. Considerations and concerns in the area of protection have led to the development of two main bodies of law, humanitarian law and human rights law, that form the legal bases that afford children protection in situations of armed conflict.

210. Many aspects of both bodies of law are relevant to the protection of children in armed conflict. The Convention on the Rights of the Child is of special note, as it is one of the most important bridges linking two bodies of law whose complementarity is increasingly recognized. Building on this complementarity, the international community must achieve the fullest possible protection of children's rights. Any purported mitigating circumstances through which Governments or their opponents seek to justify infringements of children's rights in times of armed conflict must be seen by the international community for what they are: reprehensible and intolerable. The next section of this report highlights features of the standards of humanitarian and human rights law and assesses their adequacy for meeting present needs.

## A. Humanitarian law

211. The international humanitarian law of armed conflict, usually referred to simply as international humanitarian law 40/ limits the choice of means and methods of conducting military operations and obliges belligerents to spare persons who do not, or who no longer, participate in hostilities. These standards are reflected in the four Geneva Conventions of 12 August 1949 and the two 1977 Protocols Additional to these Conventions.

212. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is one of the main sources of protection for civilian persons, and thus for children. It prohibits not only murder, torture or mutilation of a protected person, but also any other measures of brutality whether applied by civilian or military agents. The Fourth Geneva Convention has been ratified, almost universally, by 186 States.

213. The Geneva Conventions of 1949 have been considered to apply primarily only to conflicts between States. However, the Conventions also include common article 3 which applies also to internal conflicts. This article enumerates fundamental rights of all persons not taking an active part in the hostilities, namely, the right to life, dignity and freedom. It also protects them from torture and humiliating treatment, unjust imprisonment or being taken hostage.

214. In 1977, the Geneva Conventions were supplemented by two additional Protocols that bring together the two main branches of international humanitarian law - the branch concerned with protection of vulnerable groups and the branch regulating the conduct of hostilities.

215. Protocol I requires that the fighting parties distinguish at all times between combatants and civilians and that the only legal targets of attack should be military in nature. Protocol I covers all civilians, but two articles also offer specific protection to children. Article 77 stipulates that children shall be the object of special respect and shall be protected against any form of indecent assault and that the Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason. Article 78 deals with the evacuation of children to another country, saying that this should not take place except for compelling reasons, and establishing some of the terms under which any evacuation should take place.

216. Non-international armed conflicts, that is to say, conflicts within States, are covered by Protocol II. Protocol II supplements common article 3 and provides that children be provided with the care and aid they require, including education and family reunion. However, Protocol II applies only to a restricted category of internal conflicts: they must involve conflicts between the armed forces of a High Contracting Party and dissident armed forces or other organized armed groups. According to this criterion, it can be argued that Protocol II would not apply to the majority of current civil wars. The reason is obvious: few Governments (High Contracting Parties) are likely to concede that any struggle within their borders amounts to an armed conflict. Protocol II does not apply to an internal disturbance or tension, a riot or isolated acts of violence. Naturally, for children who are victims of such struggles, it makes

little difference that the violence to which they are subject does not rise above this minimum threshold.

217. While the Fourth Geneva Convention has been almost universally ratified, the Protocols have been ratified by far fewer States. To date, 144 States have ratified Protocol I, and those absent include a number of significant military powers; of Gulf War combatants, for example, the United States of America, the United Kingdom of Great Britain and Northern Ireland, France and Iraq have yet to ratify Protocol I. The situation with Protocol II is even less satisfactory: only 136 have ratified.

218. In general, humanitarian law represents a compromise between humanitarian considerations and military necessity. This gives it the advantage of being pragmatic. It acknowledges military necessity yet it also obliges armed groups to minimize civilian suffering and, in a number of articles, requires them to protect children. However, these articles cannot be considered adequate to ensure the safety and survival of children trapped in internal conflicts.

## B. Human rights law

219. Human rights law establishes rights that every individual should enjoy at all times, during both peace and war. The obligations, which are incumbent upon every State, are based primarily on the Charter of the United Nations and are reflected in the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)).

220. In formal legal terms, the primary responsibility for ensuring human rights rests with States, since they alone can become contracting parties to the relevant treaties. It follows that opposition groups, no matter how large or powerful, cannot be considered directly bound by human rights treaty provisions. It is significant, however, that the situation is precisely the opposite in relation to the application of international humanitarian law to non-state entities in internal conflicts. This relative inconsistency between the bodies of law is further ground for insisting that non-state entities should, for all practical purposes, be treated as though they are bound by relevant human rights standards. Nevertheless, just as the international community has insisted that all States have a legitimate concern that human rights be respected by others, so too it is clear that all groups in society, no matter what their relationship to the State concerned, must respect human rights. In relation to non-state entities, the channels for accountability must be established more clearly.

221. Although human rights law applies both in peacetime and in war, there are circumstances where the enjoyment of certain rights may be restricted. Many human rights treaties make allowance for States to derogate from their obligations by temporarily suspending the enjoyment of certain rights in time of war or other public emergency. However, human rights law singles out certain rights that can never be subject to derogation. These include the right to life; freedom from torture and other inhuman or degrading treatment or punishment; freedom from slavery; and the non-retroactivity of penal laws. In relation to rights from which derogation is permitted, strict conditions must be met: the emergency must threaten the life of the nation (and not merely the

current Government's grip on power); the relevant international bodies must be notified; any measures taken must be proportionate to the need; there must be no discrimination; and the measure must be consistent with other applicable international obligations. International bodies such as the Commission on Human Rights, the Human Rights Committee and the Committee on the Rights of the Child carefully scrutinize the assertion by any Government that derogation is necessary and justified.

222. Human rights law has a number of specialized treaties which are of particular relevance to the protection of children in armed conflict. The International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI)) covers many rights including the right to life and the right to freedom from slavery, torture and arbitrary arrest. The International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI)) recognizes the right to food, clothing, housing, health and education. The Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180) is of particular note. In addition, there are treaties that deal with particular themes or groups of people, covering such issues as genocide, torture, refugees, and racial discrimination. In the context of this report, the most notable specialized treaty is the Convention on the Rights of the Child.

### 1. Convention relating to the Status of Refugees

223. As armed conflicts frequently produce large numbers of refugees, refugee law is of particular relevance. In its work, UNHCR relies principally on the Convention relating to the Status of Refugees adopted on 28 July 1951 and its Protocol of 1967. These instruments provide basic standards for the protection of refugees in countries of asylum; most important is the principle of non-refoulement. The 1951 Convention and the 1967 Protocol are complemented by regional refugee instruments - notably, the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 and the Cartagena Declaration on Refugees of 1984. States have primary responsibility to ensure the protection of refugees within their boundaries. UNHCR is mandated to provide international protection for refugees and to find permanent solutions to refugee situations.

224. Many refugees fleeing armed conflict have reason to fear some form of persecution on ethnic, religious, social or political grounds at the hands of one or more of the parties to a conflict, but others are fleeing the indiscriminate effects of conflict and the accompanying disorder, including the destruction of homes and food stocks that have no specific elements of persecution. While the latter victims of conflict require international protection, including asylum on at least a temporary basis, they may not fit within the literal terms of the 1951 Convention. States Parties and UNHCR, recognizing that such persons are also deserving of international protection and humanitarian assistance, have adopted a variety of solutions to ensure that they receive both. This is most recently exemplified by the regime of "temporary protection" adopted by States in relation to the conflict in former Yugoslavia.

225. The standards of the Convention on the Rights of the Child are also of particular relevance to the refugee child. Through its guidelines on the protection and care of refugee children, UNHCR seeks to incorporate the standards and principles of the Convention into its protection and assistance framework.

## 2. Convention on the Rights of the Child

226. The most comprehensive and specific protection for children is provided by the Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 in November 1989. The Convention establishes a legal framework that greatly extends the previous recognition of children as the direct holders of rights and acknowledges their distinct legal personality. The Convention on the Rights of the Child has, in a very short space of time, become the most widely ratified of all human rights treaties. Currently, only six States have not ratified the Convention on the Rights of the Child: Cook Islands, Oman, Somalia, the United Arab Emirates, Switzerland and the United States of America.

227. The Convention recognizes a comprehensive list of rights that apply during both peacetime and war. As stressed by the Committee on the Rights on the Child (A/49/41) these include protection of the family environment; essential care and assistance; access to health, food and education; the prohibition of torture, abuse or neglect; the prohibition of the death penalty; the protection of the child's cultural environment; the right to a name and nationality; and the need for protection in situations of deprivation of liberty. States must also ensure access to, and the provision of, humanitarian assistance and relief to children during armed conflict.

228. In addition, the Convention on the Rights of the Child contains, in articles 38 and 39, provisions specifically related to armed conflict. The former article is of major significance because it brings together humanitarian law and human rights law, showing their complementarity. Its provisions require that States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to children in armed conflicts, and paragraph 4 states that:

> "In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict."

229. If the Convention on the Rights of the Child were to be fully implemented during armed conflicts, this would go a long way towards protecting children. Children's right to special protection in these situations has long been recognized. The Convention on the Rights of the Child has no general derogation clause and, in light of this, the Committee on the Rights of the Child stresses that the most positive interpretation be adopted with a view to ensuring the widest possible respect for children's rights. In particular, the Committee has stressed that, in view of the essential nature of articles 2, 3 and 4, they do not admit any kind of derogation (A/49/41).

230. As with other human rights treaties, the Convention on the Rights of the Child can only be formally ratified by States. Nevertheless, it is well worth encouraging non-state entities to make a formal commitment to abide fully by the relevant standards. Many non-state entities aspire to form governments and to invoke an existing Government's lack of respect for human rights as a justification for their opposition. In order to establish their commitment to the protection of children, non-state entities should be urged to make a formal statement accepting and agreeing to implement the standards contained in the Convention on the Rights of the Child. There are encouraging precedents here. In 1995 in Sudan, for example, several combatant groups became the first non-state entities to commit to abide by the provisions of the Convention on the Rights of the Child. Significantly, once the commitments were enacted, the non-state entities immediately put information, reporting and complaint systems in place.

231. While the Convention on the Rights of the Child offers comprehensive protection to children, it needs strengthening with respect to the participation of children in armed conflict. The Committee on the Rights of the Child has recognized the importance of raising the minimum age of recruitment to 18 years, and in 1994 the Commission on Human Rights established a working group to draft an optional protocol to the Convention to achieve this. The scope of the draft text has been significantly broadened to include articles on non-state entities, on rehabilitation and social reintegration of child victims of armed conflicts, and on a procedure of confidential enquiries by the Committee on the Rights of the Child. Despite the progress that has been made, there continues to be resistance on the issue of voluntary recruitment and on distinguishing between direct and indirect participation. The argument that the age of recruitment is merely a technical matter to be decided by individual Governments fails to take into account the fact that effective protection of children from the impact of armed conflict requires an unqualified legal and moral commitment which acknowledges that children have no part in armed conflict.

### C. Implementation of standards and monitoring of violations

232. Standards will only be effective, however, if and when they are widely known, understood, and implemented by policy makers, military and security forces and professionals dealing with the care of children, including the staff of United Nations bodies, specialized agencies and humanitarian organizations. Standards should also be known and understood by children themselves, who must be taught about their rights and how to assert them. Everyone professionally concerned with the protection of children during armed conflict should familiarize themselves with both humanitarian and human rights law.

233. International peacekeepers in particular, must be trained in humanitarian and human rights law and, particularly, about the fundamental rights of children. The Swedish Armed Forces International Centre has developed a training programme for peacekeeping regiments which includes components on child rights as well as rules of engagement, international humanitarian law and ethics. Child rights components, developed in collaboration with Rädda Barnen, provide an orientation about the impact of armed conflict on children and

situations that peacekeepers are likely to encounter that would require a humanitarian response.

234. Human rights and humanitarian standards reflect fundamental human values which exist in all societies. An aspect of implementation requiring greater attention is the translation of international instruments into local languages and their wide dissemination through the media and popular activities such as expositions and drama. In Rwanda, Save the Children Fund-US, Haguruka (a local NGO) and UNICEF supported the development of an official Kinyarwanda version of the Convention on the Rights of the Child. This has been adopted into Rwandan law and projects are being developed to implement its provisions widely.

235. An effective international system for the protection of children's rights must be based on the accountability of Governments and other actors. This in turn requires prompt, efficient and objective monitoring. The international community must attach particular importance to responding effectively to each and every occasion when those involved in armed conflicts trample upon children's rights.

236. Within the organs of the United Nations, the principal responsibility for monitoring humanitarian violations rests, in practice, upon the Commission on Human Rights. The Commission can receive information from any source and take an active role in gathering data. The latter role is accomplished through a system of rapporteurs and working groups, whose reports can be an effective means of publicizing violations and attempting to persuade States to change their policies. The reports of each of the rapporteurs and working groups should reflect the concerns of children in situations of armed conflict.

237. Another dimension of monitoring by international bodies relates to the supervision of treaty obligations. Each of the principal human rights treaties has its own monitoring body composed not of formal representatives of States, but of independent experts. The various committees and, in particular, the Committee on the Rights of the Child, should embark upon more concerted and systematic monitoring and reporting to protect children in situations of armed conflict. They should also assist States in translating their political commitment to children into action, consequently elevating the priority accorded to this concern.

238. The Geneva Conventions entrust to ICRC, IFRC and their National Societies the mandate to monitor respect for international humanitarian law. ICRC, IFRC and their National Societies report breaches of international humanitarian law and makes concrete recommendations on how to end breaches and prevent their recurrence. As has been noted, international humanitarian law also recognizes a role for other humanitarian organizations.

239. Where protection of children is concerned, much broader participation in the monitoring and reporting of abuses is required. Many of those working for relief agencies consider that reporting on infractions of either humanitarian or human rights law is outside their mandate or area of responsibility. Others are worried that they will be expelled from the country concerned or have their operations severely curtailed if they report sensitive information. But a balance must be struck. Without reports of such violations, the international

community is deprived of vital information and is unable to undertake effective monitoring. Appropriate public or confidential channels should be established nationally through which to report on matters of grave concern relating to children. The High Commissioner for Human Rights, national institutions and national ombudspersons, international human rights organizations and professional associations should be actively utilized in this regard. The media should also do more to raise awareness of infringements of children's rights.

## D. Specific recommendations on standards

240. The expert submits the following recommendations on standards:

(a) The few Governments which have not become Parties to the Convention on the Rights of the Child should do so immediately;

(b) All Governments should adopt national legislative measures to ensure the effective implementation of relevant standards, including the Convention on the Rights of the Child, the Geneva Conventions of 1949 and their Additional Protocols and the 1951 Convention relating to the Status of Refugees and its Protocol;

(c) Governments must train and educate the judiciary, police, security personnel and armed forces, especially those participating in peacekeeping operations, in humanitarian and human rights law. This should incorporate the advice and experience of ICRC and other humanitarian organizations and, in the process, undertake widespread dissemination;

(d) Humanitarian organizations should train their staff in human rights and humanitarian law. All international bodies working in conflict zones should establish procedures for prompt, confidential and objective reporting of violations that come to their attention;

(e) Humanitarian organizations should assist Governments in educating children about their rights through the development of curricula and other relevant methods;

(f) Humanitarian agencies and organizations should seek to reach signed agreements with non-state entities, committing them to abide by humanitarian and human rights laws;

(g) Civil society should actively disseminate humanitarian and human rights law and engage in advocacy, reporting and monitoring of infringements of children's rights;

(h) Building on existing guidelines, UNICEF should develop more comprehensive guidelines on the protection and care of children in conflict situations;

(i) Particularly in the light of articles 38 and 39 of the Convention on the Rights of the Child, the Committee on the Rights of the Child should be encouraged to include, in its report to the General Assembly, specific

information on the measures adopted by States Parties to protect children in situations of armed conflict.

## IV. RECONSTRUCTION AND RECONCILIATION

### A. Reconstruction

241. The task of rebuilding war-torn societies is a huge one that must take place not only at the physical, economic, cultural and political, but also at the psychosocial level. Reconstruction must relate to the child, the family, the community and the country. Rebuilding need not simply mean returning to the way things were, but can offer opportunities to leap into the future rather than follow a slow but steady path of progress. Programmes designed during reconstruction can lay foundations for child protection and strengthen social infrastructures, particularly in relation to health and education. Children are rarely mentioned in reconstruction plans or peace agreements, yet children must be at the centre of rebuilding.

242. Part of putting children at the centre means using youth as a resource. Young people must not be seen as problems or victims, but as key contributors in the planning and implementation of long-term solutions. Children with disabilities, children living or working in the streets and children who are in institutions as a result of conflict should all become essential participants in post-conflict planning and reconstruction. In countries emerging from conflict, agencies such as ILO have a key role to play through skills and entrepreneurship training programmes that address youth. The international community has an important responsibility for sharing technical skills and knowledge as well as financial resources.

243. The challenges facing communities attempting to rebuild are enormous. As a consequence of scorched-earth policies, communities often have little from which to reconstruct. In many countries, landmines restrict the use of roads and agricultural lands. "Donor pullout" can leave populations struggling to survive, particularly if humanitarian assistance has been structured in ways that encourage dependency rather than build family and community strength and integrity. For these reasons, the seeds of reconstruction should be sown even during conflict. Particularly for children, emergency aid - investment that secures their physical and emotional survival - will also be the basis for their long-term development. In this sense, emergencies and development should never be arbitrarily or artificially separated.

244. As daunting as reconstruction is the task of restoring family livelihood. UNHCR and others have developed a form of reintegration assistance known as "quick impact projects". These are simple, small-scale projects designed to act as bridges between returnees and residents while bringing immediate, tangible economic and social benefits. They involve the beneficiary community in determining priorities and implementation. One version of the quick impact projects gives female-headed households special consideration and provides loans and credits to enable them to form cooperatives and open small businesses. Before the conflict, women may have been less involved than men in economic activity, but armed conflicts can change this pattern dramatically. These

projects have been particularly successful in Central America. However, not all quick impact projects have managed to involve local communities meaningfully, and some have been criticised for offering quick fix approaches which fail to benefit the community in the long term.

245. Such bridging programmes are crucial in providing a more formalized transition from the emergency phase to the longer-term reconstruction phase. In Cambodia, the expert was told that the phasing out of UNHCR has left a gap in support for many children and families. Agency staff argue that more defined programming, using development principles for a transitional rehabilitation phase would promote the rebuilding of a cohesive, caring social network supportive of women and children. The memoranda of understanding recently agreed between agencies such as UNHCR and UNICEF should be of help in establishing clearer directives for transition planning between agencies, but such planning needs to involve a variety of agencies and NGOs.

246. Education for children must be a priority in all reconstruction. For refugee children, it is important that their home countries recognize the schooling they have undertaken in the country of asylum. To facilitate this process, students should be provided with appropriate documentation of courses and qualifications. The recovery and reintegration of children will affect the success of the whole society in returning to a more peaceful path. To some extent, returning to non-violent daily activities can start the process of healing and national reconciliation, but communities must also take positive steps that signal to children the break with the violence of the past. In the demilitarization of communities, eroding the cultures of violence that conflict has engendered must be an important priority. Women's groups, religious groups and civil society all play key roles in this area.

## B. Reconciliation

247. Truth commissions, human rights commissions and reconciliation groups can be important vehicles for community healing. To date, 16 or more countries in transition from conflict have organized truth commissions as a means of establishing moral, legal and political accountability and mechanisms for recourse. In South Africa and Guatemala, the commissions are aimed at preserving the memory of the victims, fostering the observance of human rights and strengthening the democratic process. In Argentina, where there was an assumption that offenders would receive punishment, there have subsequently been amnesties to the consternation of the human rights community.

248. It is difficult, if not impossible, to achieve reconciliation without justice. The expert believes that the international community should develop more systematic methods for apprehending and punishing individuals guilty of child rights abuses. Unless those at every level of political and military command fear that they will be held accountable for crimes and subject to prosecution, there is little prospect of restraining their behaviour during armed conflicts. Allowing perpetrators to benefit from impunity can only lead to contempt for the law and to renewed cycles of violence.

249. In the case of the gravest abuses, including but not limited to genocide, international law can be more appropriate than national action. In view of this, the Security Council has established International Tribunals to punish perpetrators of war crimes and crimes against humanity committed in the former Yugoslavia and Rwanda. The expert welcomes these tribunals, but is concerned that they may have neither the resources nor the powers to fulfil their objectives. They deserve greater financial support and more determined political backing. The expert supports the proposed creation of an international criminal court, which would have a permanent prosecutor's office to try cases of genocide and other violations of international law.

250. One of the most disturbing and difficult aspects of children's participation in armed conflict is that, manipulated by adults, they may become perpetrators of war crimes including rape, murder and genocide. As of June 1996 in Rwanda, 1,741 children were being held in detention in dreadful conditions. Of these, approximately 550 were under 15 years, and therefore beneath the age of criminal responsibility under Rwandan law. The Government of Rwanda has transferred responsibility for the cases of young people who were under the age of 15 at the time of the genocide from the Ministry of Justice to the Ministry of Labour and Social Affairs. They were subsequently released into newly established juvenile or community detention facilities. For the estimated 1,191 children who are in detention and deemed criminally responsible, UNICEF, through the Ministry of Justice, provides legal assistance for their defence. It is also advocating special provisions for the trial of these adolescents. The dilemma of dealing with children who are accused of committing acts of genocide illustrates the complexity of balancing culpability, a community's sense of justice and the "best interests of the child".

251. The severity of the crime involved, however, provides no justification to suspend or to abridge the fundamental rights and legal safeguards accorded to children under the Convention on the Rights of the Child. States Parties should establish a minimum age below which children are presumed not to have the capacity to infringe penal law. While the Convention does not mention a specific age, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) stress that this age shall not be fixed at too low a level, bearing in mind the child's emotional, mental and intellectual maturity. The Committee on the Rights of the Child states that the assessment of the children's criminal responsibility should not be based on subjective or imprecise criteria, such as the attainment of puberty, age of discernment or the child's personality. 41/ Those children who have been deemed criminally responsible should, as article 40 of the Convention asserts, be treated with dignity, and have their social reintegration taken into account. Children should, inter alia, be given the opportunity to participate in proceedings affecting them, either directly or through a representative or an appropriate body, benefit from legal counselling and enjoy due process of law. Deprivation of liberty should never be unlawful or arbitrary and should only be used as a measure of last resort. In all instances, alternatives to institutional care should be sought.

252. The prime responsibility for consistent monitoring and prosecution of violations rests with the national authorities of the State in which the violations occurred. Whether justice is pursued after the conflict depends

largely on the prevailing social and political environment. Even when there is a willingness to prosecute offenders, the country may not have the capacity to do so adequately, since the system of justice itself may have been largely destroyed. Following the conflict in Rwanda, for example, only 20 per cent of the judiciary survived, and courts lacked the most basic resources. 42/ At the Fourth Regional Consultation on the Impact of Armed Conflict on Children in Asia and the Pacific it was proposed that the reconstruction of legal systems must be viewed as an urgent task of rebuilding and that substantial international assistance may be required.

## V. CONFLICT PREVENTION

"Children are dropping out of childhood. We must envision a society free of conflict where children can grow up as children, not weapons of war." 43/

253. Much of the present report has focused on methods by which children can be protected from the worst impacts of armed conflict. However well such measures are implemented, clearly the most effective way to protect children is to prevent the outbreak of armed conflicts. The international community must shatter the political inertia that allows circumstances to escalate into armed conflict and destroy children's lives. This means addressing the root causes of violence and promoting sustainable and equitable patterns of human development. All people need to feel that they have a fair share in decision-making, equal access to resources, the ability to participate fully in civil and political society and the freedom to affirm their own identities and fully express their aspirations. Such ideas have been eloquently expressed, with analytic power that cannot be attempted here, in such texts as The Challenge to the South: The Report of the South Commission and the report of the Commission on Global Governance entitled "Our Global Neighbourhood".

254. Preventing conflicts from escalating is a clear responsibility of national Governments and the international community, but there is also an important role for civil society. Religious, community and traditional leaders have often been successful at conflict management and prevention, as have scholars and NGOs involved in mediation and capacity building. Women's organizations, too, have been very influential, promoting the presence of women at the negotiating table, where they can act as their own advocates and agents for peace. One example is African Women in Crisis, a UNIFEM programme working to strengthen the capacity of women's peace movements throughout Africa. The statement of the Third Regional Consultation on the Impact of Armed Conflict on Children in West and Central Africa recommends that peace missions, reconciliation forums and all peace-building efforts should incorporate women as key members of negotiating teams. The expert agrees.

### A. Education for peace

255. All sectors of society must come together to build "ethical frameworks", integrating traditional values of cooperation through religious and community leaders with international legal standards. Some of the groundwork for the

building of "ethical frameworks" can be laid in schools. Both the content and the process of education should promote peace, social justice, respect for human rights and the acceptance of responsibility. Children need to learn skills of negotiation, problem solving, critical thinking and communication that will enable them to resolve conflicts without resorting to violence. To achieve this, a number of countries have undertaken peace education programmes. In Lebanon, the expert visited the education for peace programme, jointly undertaken in 1989 by the Lebanese Government, NGOs, youth volunteers and UNICEF and now benefiting thousands of children nationally. In Liberia, the student palaver conflict management programme employs adolescents as resources in peer conflict resolution and mediation activities in schools. In Northern Ireland, the expert was informed about initiatives aimed at the universal inclusion of peace education elements in school curricula. Similarly in Sri Lanka, an education for conflict resolution programme has been integrated into primary and secondary school education. An innovative element is the programme's use of various public media to reach to out-of-school children and other sectors of the community. While such initiatives are not always successful, they are indispensable to the eventual rehabilitation of a shattered society.

256. The statement of the Second Regional Consultation on the Impact of Armed Conflict in the Arab Region called for a comprehensive review of the content, process and structure of peace education programmes (sometimes called "global education" or "education for development" programmes). The review was to include an assessment of best practice and coordination, the promotion of effective evaluation techniques and an exploration of stronger methods of involving and responding to local needs, aspirations and experiences. The consultation also emphasized the importance of integrating peace education principles, values and skills into the education of every child.

257. Adults are just as much in need of conflict management skills and human rights education as children and youth. Here, the most difficult challenge is to achieve tolerance not just between individuals, but also between groups. The media can play an important role by helping readers and viewers to enjoy diversity and by promoting the understanding that is needed for peaceful co-existence and the respect that is required for the enjoyment of human rights. The media's role as mediator has been explored in South Africa, where some journalists have been trained to use their access to both sides of conflict in order to help bring about national consensus on divisive issues.

258. Current levels of animosity in the former Yugoslavia, which had a long-running peace education programme, illustrates that programmes promoting respect for human rights and teaching conflict management skills are not enough on their own. Also essential are clear and strong mechanisms for reconciliation, the protection of minorities and access to social justice. Governments can specifically outlaw the kinds of discrimination that breed resentment. The persistent violation of the rights of minority and indigenous groups has helped generate the conditions that lead to armed conflict.

## B. Demilitarization

259. In addition to pursuing equitable patterns of development, Governments can lower the risk of armed conflict by reducing levels of militarization and by honouring the commitments made at the World Summit for Social Development to support the concept of human security. Towards that end, Governments must take firm action to shift the allocation of resources from arms and military expenditures to human and social development. Sub-Saharan Africa, for example, is heavily militarized: between 1960 and 1994, the proportion of the region's gross domestic product (GDP) devoted to military spending rose from 0.7 per cent to 2.9 per cent. The region's military expenditure is now around $8 billion, despite the fact that 216 million people live in poverty. South Asia is another region that spends heavily on arms. In 1994, it spent $14 billion on the military although 562 million South Asians live in absolute poverty. 44/ Governments worldwide should take uncompromising steps to demilitarize their societies by strictly limiting and controlling access to weapons.

260. At the international level, Governments must exercise the political will to control the transfer of arms to conflict zones, particularly where there is evidence of gross violation of children's rights. The United Nations must adopt a much firmer position on the arms trade, including a total ban on arms shipments to areas of conflict and determined efforts to eliminate the use, production, trade and stockpiling of anti-personnel landmines. The United Nations Register of Conventional Arms should be expanded to include more types of weapons and mandatory reporting should be required.

261. Donors and development agencies should give priority to programmes that include conflict prevention components designed to help manage diversity and reduce economic disparities within countries. Economic development in itself will not resolve conflicts. However, unless the reduction of economic disparities becomes an essential ingredient in all programmes, human development will be constantly thwarted by violent conflict. Donors should make stronger efforts to ensure that a greater percentage of their funding is aimed directly at social infrastructures and programmes for children.

262. In a report on strengthening of the coordination of emergency humanitarian assistance (A/50/203-E/1995/79), the United Nations Secretary-General estimated that spending on refugees doubled between 1990 and 1992, that the cost of peace operations increased 5-fold in the same period and 10-fold in 1994 and that spending on humanitarian programmes tripled from $845 million to $3 billion between 1989 and 1994. Significantly, official development assistance (ODA) figures for 1994 were at their lowest point for the past 20 years amongst the world's richer countries - just 0.3 per cent of combined gross national product (GNP), rather than the 0.7 per cent agreed by the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD) and endorsed by the General Assembly. Decreasing levels of aid and increasing costs of emergencies have a negative impact on aid for long term development, despite growing awareness that longer term development may be one of the more effective methods of preventing conflicts and rebuilding communities.

### C. Early warning

263. Improvements in early warning systems and stand-by capacity are necessary to reduce the dangers of armed conflict for children. On numerous field visits, it was stressed to the expert that, although massive displacement and threats to children had been anticipated in a region, they had not been sufficiently taken up by the international community. Recent efforts of the international humanitarian community to establish improved early warning systems and contingency planning have included NGOs and local institutions. Noting the rare inclusion of child-specific expertise in stand-by arrangements, the expert recommends the full consideration of children's rights and needs in the development of early warning systems and contingency planning. The media can alert the international community to child rights violations, but early warning must be linked to early action to be of any use. The escalation of conflict in the Great Lakes region of Africa is a clear example of the failure to link early warning with preventive measures and early action.

264. The burden and consequences of armed conflict usually have transborder impacts, diverting energy and resources from all countries in the region and leading to increased impoverishment. Civil society and international NGOs can mitigate these impacts by providing their own early warning, advocating international and local human rights standards, promoting community-level peace-building and offering mediators. Action can also come from regional organizations such as the Organization of American States (OAS), the League of Arab States, the Organization of African Unity (OAU), OECD and the European Union (EU), as well as those assembled for particular projects, such as the former Contadora Group, which was related to the central American peace process, and the Economic Community of West African States Military Observer Group (ECOMOG), related to peacekeeping in Liberia. The capacity of regional bodies, which differ greatly in their experience and resources, should not be overstated, but they can engender frank and open discussion among neighbouring governments. Regional organizations, NGOs and other actors have a number of preventive diplomacy instruments open to them, including grass roots dialogues, mediation, human rights missions, peacekeeping and peace-building.

265. In the long run, conflict prevention is everyone's responsibility. It requires action at local, national and international levels to remove both the underlying causes of conflict and the immediate provocations for violence. Ultimately, the failure to achieve comprehensive peace-building, the failure to settle disputes peacefully and the failure to prevent child rights violations each represent a collapse of moral and political will.

## VI. IMPLEMENTATION MECHANISMS

266. To keep these issues very high on the international human rights, peace, security and development agendas, the expert believes that it is essential to ensure a follow-up to the present report. She recommends the establishment of a special representative of the Secretary-General on children and armed conflict.

267. The special representative would act as a standing observer, assessing progress achieved and difficulties encountered in the implementation of the

recommendations presented by the present study. The representative would raise awareness about the plight of children affected by armed conflict and promote information collection, research, analysis and dissemination at the global, regional and national levels. The representative would encourage the development of networking to exchange experiences and facilitate the adoption of measures intended to improve the situation of children and reinforce action undertaken to such a purpose and would also foster international cooperation to ensure respect for children's rights in these situations, contribute to the coordination of efforts by Governments, United Nations bodies, specialized agencies, and other competent bodies, including NGOs, regional organizations, relevant special rapporteurs and working groups, as well as United Nations field operations.

268. The special representative would prepare an annual report to be submitted to the General Assembly as well as to the Commission on Human Rights. The report would contain information received from all relevant sources, including Governments, United Nations bodies, specialized agencies, NGOs and other competent bodies, on progress achieved as well as on any other steps adopted to strengthen the protection of children in situations of armed conflict.

269. The special representative would work closely with the Committee on the Rights of the Child, relevant United Nations bodies, specialized agencies and other competent bodies, including NGOs. The representative would also maintain close contact with Department of Humanitarian Affairs and members of the Inter-Agency Standing Committee, and would make use of the mechanisms established by the Administrative Committee on Coordination for inter-agency follow-up to recent global conferences. The representative would be supported in her/his work, including financial support, by the United Nations system and, in particular, by the High Commissioner for Human Rights/Centre for Human Rights, UNICEF and UNHCR.

## A. Follow-up action for Governments

270. Governments bear the primary responsibility for protecting children from the impact of armed conflict, and indeed, for preventing conflicts from occurring. While this report provides testimony of the efforts of Governments, United Nations bodies and civil society to protect children from the atrocities of war, it is ultimately a testimony of their collective failure to do so. Governments have clearly failed to harness the necessary financial and human resources or to demonstrate the compassion, the commitment and the tenacity required to fulfil their moral, political and social obligations to children. The following recommendations are addressed to all Governments. Improvement in the situation of children affected by armed conflicts requires improved international cooperation, political commitment and action not only on the part of Governments within whose borders conflict exists, but also on the part of those Governments whose citizens are indirectly responsible for inciting or protracting conflicts for economic or political gain.

271. All States Parties are encouraged to implement the Convention on the Rights of the Child in times of peace and conflict, inter alia, through legislative, administrative, budgetary, judicial, educational and social measures. In

addition, States Parties should engage in international cooperation through bilateral and multilateral actions and by providing and facilitating humanitarian assistance and relief programmes during conflict situations.

272. Governments that have not yet ratified the Convention on the Rights of the Child should do so. All States should support the adoption of the proposed draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, and adhere to it as soon as possible. In addition, they should support the international ban on landmines and other weapons deemed to have indiscriminate effects. Governments should also ratify and implement other relevant instruments, such as the Geneva Conventions of 1949 and the Additional Protocols; the 1951 Convention and the 1967 Protocol relating to the Status of Refugees; the Convention on the Elimination of All Forms of Discrimination against Women; and other specific regional undertakings that address children's rights.

273. Governments must give priority to preventive measures by ensuring balanced economic, social and human development through capacity building, the promotion of a child-centred culture and the equitable reallocation of resources, including land. States must enact measures to eliminate discrimination, particularly against children, women, indigenous and minority populations, and must carry out their responsibilities to ensure protection for refugee and internally displaced children.

274. Governments should recognize that economic and social disparities, neglect and patterns of discrimination contribute to armed conflict, and should consequently review their national budgets with a view to reducing military expenditure and redirecting those resources to economic and social development. Child development and child rights indicators should form the basis for national strategies for children which assess progress and indicate policy and programme reforms. Governments should also ensure that, on matters affecting the child, children's views are taken into account.

275. Governments must create enabling environments within which civil society can work on issues related to armed conflict and child rights. Governments should actively encourage and support coalitions that represent the views of parliamentarians, the judiciary, religious communities, educators, the media, professional associations, the private sector, NGOs and children themselves. Such coalitions will facilitate service delivery, social mobilization and advocacy for children affected by armed conflicts. The establishment of national ombudspersons, national human rights commissions, international courts and other institutions should be explored. So should long-term measures designed to ensure respect for children's rights.

276. Immediately following conflicts and during periods of transition, Governments must ensure that health, education and psychosocial support are central to reconstruction efforts. Demilitarization, the demobilization of all armed groups, de-mining, mine awareness and the control of the flow of arms within and outside of national borders must become immediate priorities. To achieve justice and reconciliation, it is essential for Governments to engage in national-level dialogues with the military, to strengthen their judicial systems, to carry out human rights monitoring and to establish investigative

mechanisms, tribunals and truth commissions that consider violations of children's rights.

277. Multilateral, bilateral and private funding sources should be committed to the implementation of the Convention on the Rights of the Child as part of the process of development and post-conflict reconstruction. In the light of article 4 of the Convention on the Rights of the Child, States Parties should commit themselves, with regard to economic, social and cultural rights, to the maximum extent of their available resources and, where needed, within the framework of international cooperation. This means that those countries with greater resources have an obligation to support the implementation of the Convention on the Rights of the Child in those countries with fewer resources.

278. States should use the collective authority of their intergovernmental (such as the Commonwealth secretariat), regional and subregional bodies to support region-wide initiatives for conflict prevention, management and resolution.

## B. Regional and subregional arrangements

279. Regional organizations, such as OAU, OAS, EU and the Asia-Pacific Regional Cooperation Framework (APEC), economic commissions, development banks and subregional organizations, such as the Association of South-East Asian Nations (ASEAN), the Southern African Development Community (SADC) and the Intergovernmental Authority on Drought and Development (IGADD), should be encouraged to work with national organizations and Government entities to formulate plans of action to protect children. The work should be undertaken within the framework of the Convention on the Rights of the Child and other relevant international and regional treaties, declarations and guidelines that emphasize children's rights. These include the African Charter on the Rights and Welfare of the Child, the European Convention on Human Rights and the Santiago declaration.

280. In seeking to promote peace and stability within regions, regional and subregional organizations are encouraged to share information and develop common preparedness measures, early warning systems and rapid-reaction responses that use child rights indicators and are sensitive to children's needs. The organizations should convene meetings with the military and its chiefs of staff to develop systems of accountability and measures to protect children and civilians in conflict situations. Such measures may include, for example, human rights training and monitoring, the creation of regional mine-free zones, "days of tranquillity", "corridors of peace" and the demobilization of child soldiers.

## C. Responsibilities of the United Nations

281. The Vienna Declaration and Programme of Action of the World Conference on Human Rights (A/CONF.157/24 (Part I) chap. III) recommended that matters relating to children's rights be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies, in accordance with their mandates. The protection of children must be central to the humanitarian,

peacemaking and peacekeeping policies of the United Nations, and should be given priority within existing human rights and humanitarian procedures.

282. Humanitarian concerns are increasingly an important component of the Security Council's international peace and security agenda. In recent years, the Council has authorized United Nations operations which support political, military and humanitarian objectives. 45/ Consistent with this trend, the Council should therefore be kept continually and fully aware of humanitarian concerns, including child specific concerns, in its actions to resolve conflicts, to keep or to enforce peace or to implement peace agreements. When taking up issues such as demobilization, the Council should bear in mind the very special situation of child soldiers. Where appropriate, the protection of children should be considered in comprehensive resolutions which set out peacekeeping and demobilization mandates reflecting considerations such as monitoring adherence to human rights, the establishment and maintenance of safe areas and humanitarian access. With regard to the issue of landmines, the Security Council is encouraged to consider their particular threat to children. In circumstances where a lack of political stability and peace hinder the provision of humanitarian assistance, the expert urges the Security Council to take up requests for the provision of such assistance to children and other vulnerable groups.

283. The Economic and Social Council requested, in its resolution 1995/56 of 28 July 1995, that certain issues pertaining to humanitarian assistance be reviewed in anticipation of a more general analysis of institutional needs. Many of these issues, such as resource mobilization, internally displaced persons, coordination, relief, rehabilitation, development and local coping mechanisms, relate to the situation of children affected by conflict situations. Working groups in these areas should ensure that the particular needs of children are included in recommendations presented to the Economic and Social Council and that this subject should become one of the main themes for discussion.

284. Within their respective mandates, the executive boards of relevant United Nations specialized agencies and other competent bodies should consider the recommendations contained in this report and inform the Secretary-General of the ways and means that they can contribute more effectively to the protection of children in armed conflict. Particular emphasis should be placed on systematically addressing these concerns in field activities, monitoring and reporting, the development of preventive measures and post-conflict recovery. The Department of Humanitarian Affairs, UNICEF, UNHCR, UNDP, WHO, FAO, WFP, UNFPA, UNIFEM, the High Commissioner for Human Rights/Centre for Human Rights and other United Nations bodies must treat children affected by armed conflicts as a distinct and priority concern. Such treatment should result in the establishment of the mechanisms necessary for reporting on violations of children's rights.

## 1. The United Nations human rights system

285. The Vienna Declaration and Programme of Action of the World Conference on Human Rights recommended that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies, in accordance with their mandates. Children's rights must become distinct and priority concerns within all United Nations human rights and humanitarian monitoring and reporting activities. Within the framework of their mandates, all special rapporteurs and working groups for countries or themes should consider the situation of children affected by armed conflict and should suggest measures to prevent children's involvement in conflicts and to promote the physical and psychological recovery and social reintegration of those who are affected. The legal framework to increase the protection provided for internally displaced persons that is being developed by the Representative of the Secretary-General on Internally Displaced Persons should be supported and endorsed by the Commission on Human Rights and the General Assembly as a matter of priority.

### High Commissioner for Human Rights/Centre for Human Rights

286. The General Assembly, in resolution 48/141, recognized the responsibility of the High Commissioner for Human Rights for the coordination of the human rights promotion and protection activities throughout the United Nations system. In addition, the World Conference on Human Rights considered that the Centre for Human Rights should play an important role in coordinating system-wide attention to human rights. The High Commissioner for Human Rights/Centre for Human Rights are encouraged to consider children's rights in conflict situations by institutionalizing cooperation in agreements with UNICEF, UNHCR, UNDP, and UN Volunteers. The Centre must be given the necessary resources and qualified staff to carry out these functions in a way which does not compromise the mandate which it has been given to fulfil. The priority of children's rights within human rights field operations in conflict areas should be ensured through the training of human rights officers and peacekeepers, and attention to these concerns should be given when defining relevant mandates and manuals of field operations.

### International treaties and their monitoring systems

287. The Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women should consider the situation of children affected by armed conflicts when reviewing States Parties reports and when requesting information from States Parties. The meeting of chairpersons of the monitoring treaty bodies should periodically assess the progress achieved in the protection of children in situations of armed conflict, as well as any additional measures required to improve the level of implementation of their fundamental rights. More specifically, the Committee on the Rights of the Child should:

(a) Continue to monitor the measures adopted by States Parties to ensure compliance with the principles and provisions of the Convention on the Rights of the Child, giving particular consideration to steps undertaken to promote respect for children's rights and to prevent the negative effects of conflicts on children, as well as to any violation of children's rights committed in times of war;

(b) Assess, in the light of article 41 of the Convention, the measures adopted by States Parties which are even more conducive to the realization of children's rights than those prescribed by the Convention;

(c) Include, in its reports to the General Assembly, specific information on the implementation of the Convention on the Rights of the Child of relevance to the protection of children's rights in times of armed conflict;

(d) In the light of article 45 of the Convention, strengthen its role as a focal point for children's rights, thus ensuring a multidisciplinary and holistic approach to the United Nations system-wide action. It should also encourage and foster international cooperation, particularly with United Nations bodies, specialized agencies and other competent bodies, including NGOs, to improve the situation of children affected by armed conflicts, to ensure the protection of their fundamental rights and to prevent their violation, whenever necessary, through the effective application of relief programmes and humanitarian assistance.

## 2. Institutional arrangements

288. In armed conflicts, everyone concerned with children must practice a consistent set of principles, standards and guidelines. All United Nations field personnel should follow principles similar to those proposed in the operational guidelines for the protection of humanitarian mandates. This should include the situation of conflict-affected children, the human rights of children, and violations of their rights. For these purposes agencies should ensure access to relevant training. Recognizing the crucial role that women play in situations of armed conflict, and the ways in which women and children are rendered vulnerable in situations of armed conflict, humanitarian assistance should be gender and age specific. This should apply to needs assessments, as well as to preparedness and post-conflict reconstruction activities.

289. United Nations field personnel and the staff of humanitarian relief organizations must treat children in armed conflict as a distinct and priority concern. This principle applies to staff in all sectors - military, political, humanitarian, human rights, electoral and administrative - and in all their monitoring and reporting activities. In the light of article 45 of the Convention on the Rights of the Child and of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, all such sectors should establish mechanisms to assess and to report on the implementation of the Convention in areas falling within the scope of their activities.

290. Governments bear the primary responsibility for protecting children in situations of armed conflict and in preventing those conflicts from taking place. The present report documents the magnitude of the task and the need for civil society and United Nations bodies and the specialized agencies to support these efforts. Through her work, the expert has come to believe that the singular capacity of a number of United Nations and specialized agencies bodies provides significant hope for the protection and care of children affected by armed conflicts. Indeed, the expert came to believe that their contributions posited one of the strongest hopes for the future. In both the short and long-term, the principle aim of these contributions must be to strengthen the capacity of Governments to fulfil their obligations to children, even in the most difficult circumstances. The present report describes many of the excellent initiatives on the part of United Nations bodies and specialized agencies while at the same time acknowledging that many of the United Nations bodies and specialized agencies themselves are far from satisfied with their results overall. With this in mind, the expert has chosen to be particularly forthright in making recommendations about future activities and priority actions. The following recommendations are addressed to related United Nations bodies, programmes and funds, specialized agencies and other autonomous bodies and the Bretton Woods Institutions.

Department of Humanitarian Affairs

291. The rapid response, assessment, policy planning, training and evaluation activities of the Department of Humanitarian Affairs should ensure a child and gender focus. This will require the development of new indicators to be used in information gathering and in training and evaluation programmes. The Department's mine-awareness and rehabilitation activities should emphasize age- and gender-appropriate design and delivery. On behalf of UNICEF, UNHCR and other relevant bodies, the Department should request the Department of Political Affairs and Department of Peacekeeping Operations of the Secretariat to identify ways in which military and civilian defence assets (logistics, supplies, equipment and specialist personnel) can offer better protection for children. Through the framework for coordination established by the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Humanitarian Affairs and in collaboration with the High Commissioner for Human Rights/Centre for Human Rights, guidelines, accountability mechanisms and systematic training in humanitarian and human rights instruments for peacekeepers should be developed with an emphasis on child rights. As Chair of the Inter-Agency Standing Committee's Task Force on Internally Displaced Persons, the Department of Humanitarian Affairs should ensure the development of an appropriate institutional framework to address the special needs of internally displaced children.

United Nations Children's Fund

292. UNICEF's anti-war agenda is a reflection of the agency's commitment to reaching children affected by conflict and the recently approved policy on child protection is an important step in giving greater impact to the agenda. Within this framework UNICEF needs to accelerate development of policy and programme guidelines specifically designed for the protection of children in situations of armed conflict, with special attention given to measures for the recovery and

development of those children who are displaced or separated from their families, who are living with disabilities, who have been sexually exploited or unlawfully imprisoned or conscripted to armed groups. UNICEF should also accelerate the development of programming for adolescents, including opportunities for their participation in programme design, implementation and evaluation and reflecting the importance of education, sport and recreation in adolescent recovery and development. UNICEF should ensure that all these concerns are incorporated into inter-agency consolidated appeals. In addition, the agency should establish channels through which its personnel can report on violations of children's rights. In collaboration with other specialized agencies and NGOs, UNICEF should develop a set of indicators based on child rights that will guide assessment and country programming. In cooperation with the Department of Humanitarian Affairs and with major humanitarian organizations, UNICEF should provide leadership for the protection and care of internally displaced children. UNICEF should pay special attention to the situation of women and girls affected by armed conflict, ensuring a gender-sensitive approach to emergency assessments, programme planning, design and implementation - and offer appropriate training in this and other child rights areas for field and headquarters staff. UNICEF should ensure that peacemaking and peacekeeping actions take into account the needs of children - through the Department of Humanitarian Affairs/Department of Political Affairs/Department of Peacekeeping Operations framework for coordination and by monitoring Security Council meetings.

Office of the United Nations High Commissioner for Refugees

293. Relying on strong policy guidelines, particularly the Guidelines on the Protection and Care of Refugee Children, UNHCR needs to ensure that gender and age related principles and standards are consistently implemented in all country programmes and agreements with implementing partners. This will require further development of its response capacity and training programmes for staff and implementing partners. Recognizing that UNHCR is often first to respond to emergencies, it is essential that it deploys qualified staff in the initial emergency phase to ensure that assessments and programme responses are gender and age appropriate. Among other matters, this would entail the systematic inclusion of issues relating to sexual violence in health and psychosocial programmes, and practical prevention measures identified for camp design, security and distribution processes. UNHCR should ensure a psychosocial focus from the outset of an emergency, taking into account local community and social networks. Building upon its experience with returnees, local capacity building and institution strengthening, UNHCR should ensure that the protection and assistance needs of women and children, in particular, custody, property and inheritance issues for female- and child-headed households, are fully addressed in repatriation and reintegration programmes.

World Health Organization

294. At all stages of conflict, WHO should promote emergency preparedness and responses in relation to child health and development. The organization should design indicators and instruments which would enable other organizations and specialized agencies to rapidly assess, plan and implement essential and priority child health activities, involving affected communities. WHO should

produce materials for children of differing ages and stages of development in situations of armed conflict. Reflecting WHO's definition of health as encompassing physical, mental and social well being, the organization should increase its collaboration with UNICEF, UNHCR, the World Bank and UNDP in multi-sectoral programming for children and in strengthening public health infrastructures in the reconstruction of conflict-affected countries. This would include provision of substantial technical support through technical guidelines and planned work on child health, plus technical support and training materials to assist countries and NGOs in the prevention and management of health issues related to violence against women and girls during armed conflict. These issues should be reflected in WHO's humanitarian and consolidated emergency appeals. Inter-agency collaboration in a critical appraisal of best practice in conflict situations could lay the foundation for improved programming for children and adolescents. WHO should provide reproductive health expertise in emergency responses and develop the inclusion of gender and women's perspectives into health policies and programmes. WHO should take a lead role in training for all health workers in children's human rights. At the same time it should establish and promote appropriate child rights monitoring and reporting mechanisms for health professionals. While these are not new ideas or policies, WHO is encouraged to give priority to their implementation.

United Nations Development Programme

295. UNDP is encouraged to give greater priority to the special needs of children and women in special development situations. UNDP's efforts to reduce regional, political, economic and social disparities through country programmes should emphasize a preventative approach through, for example, measures to prevent discrimination against women, minorities and indigenous communities. Within the resident coordinator system, UNDP has a responsibility to ensure that children are central to the overall programme framework for national and international action. UNDP should consider the restoration of health, education and judicial services, as well as economic and national institutions, to be essential elements of post conflict recovery. UNDP's support for the role of women in rebuilding institutions and improving governance should be strengthened, as should its support for the work of UNIFEM in these areas. Throughout its multi-sectoral country and regional programmes, UNDP should integrate measures designed to prevent conflict, namely, through the strengthening of civil society.

World Food Programme

296. Food aid can be a powerful instrument in the rehabilitation process, not only as a practical matter in providing a nutritional supplement, but also as a resource to be used in recovery. WFP should encourage community participation in the design and delivery of food aid and, in particular, ensure that in refugee and internally displaced persons camps women are the initial point of control for distribution systems. WFP should collaborate with other United Nations specialized agencies and with NGOs in combining food aid with programmes designed to strengthen family unity, integrity and coping mechanisms. Food aid programmes such as "food for guns" should be linked to health, education and other development activities in recovery and reintegration, particularly for adolescents and former child combatants.

Food and Agriculture Organization of the United Nations

297. Given the importance of FAO's work in early warning systems and food security assessments and analysis, the organization should, during armed conflicts, incorporate data and information that identify the particular vulnerabilities of children. FAO should provide technical expertise and advice in the design of programmes, such as food security programmes that disproportionately benefit children, and projects for demobilized child soldiers that offer alternative livelihoods and promote social integration. Having identified a growing number of child-headed households through its work with rural farmers, FAO should develop, implement and share guidelines on appropriate support with other specialized agencies. FAO should work with WFP, UNICEF, UNHCR and WHO, among others, to strengthen the capacity of families to care for their children, and to ensure that these programmes are linked to development activities in the areas of agriculture, fisheries and forestry.

United Nations Educational, Scientific and Cultural Organization

298. Education has a crucial preventive and rehabilitative part to play in fulfilling the needs and rights of children, particularly those in conflict and post-conflict situations. UNESCO's expertise in educational curricula development and teacher training should be utilized in support of educational programmes run by operational agencies in all phases of conflict, but especially during emergency situations and in the critical period of rehabilitation and reconstruction. UNESCO is encouraged to collaborate with ILO, UNICEF, UNHCR, UNDP and relevant specialized agencies, as well as with international and national NGOs, in the more rapid development of appropriate activities and programming for adolescents, particularly former child combatants. Such activities could include the development of communication, sports and recreation as opportunities to develop life-skills and promote health. In collaboration with the Department of Humanitarian Affairs, UNICEF and involved NGOs, UNESCO should produce and promote mine-awareness materials through a technical meeting to identify best practices and evaluate mine-awareness programmes for children. UNESCO should also assist other United Nations bodies and specialized agencies, NGOs and educational systems in peace education, identifying best practice, developing strong evaluation mechanisms, assessing programmes and better coordinating principles and materials.

United Nations Development Fund for Women

299. UNIFEM should work closely with UNICEF in expanding its support for girls and women in crisis situations. It should also expand its women's peace-building and peacemaking activities. UNIFEM should take the lead in ensuring that system-wide emergency assessments, guidelines, training and evaluation are gender sensitive. UNIFEM should develop and promote training in women's human rights for the military and judicial systems. In cooperation with UNFPA, WHO and UNICEF, UNIFEM should ensure that all humanitarian responses address the special reproductive health needs of girls and women, and should develop guidelines for reporting on gender-based violations. Further, the Fund should facilitate access to appropriate legal and rehabilitative remedies for victims of gender-based violence and sexual exploitation.

The Bretton Woods Institutions

300. The momentum of collaboration between Bretton Woods Institutions and the specialized agencies of the United Nations system should help to make available the resources that are needed to address the issues of children affected by armed conflict. The World Bank is encouraged to pay increasing attention to the preservation and development of human capital in conflict-affected countries, particularly children and youth. Post-conflict recovery initiatives that are not fundamentally linked to relief, especially in the area of education, will ultimately undermine any potential benefit. Macroeconomic initiatives cannot sustain peaceful reconstruction without equivalent attention to micro-level cooperation. The World Bank can make an important contribution overall by evaluating the preventive value of development aid, and by ensuring a better coordinated and funded response to the needs of conflict-affected countries. Within these parameters, the Bank's emerging work in education, mine clearance and demobilization should provide an even greater focus on children.

Other related organizations

301. There are some organizations of the United Nations system that have mandates closely related to many of the concerns raised in the present report. The International Labour Organization's (ILO) standards, for example, in areas such as vocational rehabilitation, the employment of disabled persons, special youth employment and training schemes and human resource development, should form the basis of innovative rehabilitation and social reintegration programmes for adolescents in post-conflict situations, especially for former child soldiers, children with disabilities and children who have missed educational opportunities. The United Nations Population Fund (UNFPA) should increase its collaboration with operational agencies to ensure that the reproductive health needs of girls and women are fully addressed in emergency and post-conflict situations. Furthermore, the role of the International Organization for Migration (IOM) in refugee and migration activities is increasingly important. As a special intergovernmental agency, IOM is encouraged further to develop its role in the care and protection of internally displaced children, in particular to ensure that the special concerns of children are incorporated in its activities of evacuation, transportation and processing. The expert also wishes to call attention to the work of the United Nations Research Institute for Social Development's (UNRISD) war torn societies project, recognizing its potential to draw attention to the needs of children in post-conflict recovery.

International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and National Societies

302. The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and National Societies have a special mandate and unique contribution, including emergency medical assistance, the reunification of separated families, and access to the internally displaced. The resolutions adopted at the twenty-sixth International Conference of the Red Cross and Red Crescent, in particular resolution 2, and the plan of action for child victims of armed conflict should be implemented throughout the movement. The role of the Central Tracing Agency of ICRC is vitally important in the reunification of children and families. The expert

urges continued and expanded cooperation in tracing and reunification programmes with UNHCR, UNICEF and specialized NGOs. As a critical contribution to prevention and to promoting the practical application of humanitarian law, the ICRC's advisory services to Governments should be strengthened with special attention to children. Dissemination should be extended to civil society and other humanitarian agencies. The development of the guidelines for United Nations forces regarding respect for international humanitarian law is especially welcome.

### 3. Inter-institutional mechanisms

303. Further discussion of inter-institutional mechanisms is needed to ensure that sufficient priority is given to the dimensions of peacekeeping and humanitarian operations that involve children.

#### Department of Peacekeeping Operations/Department of Political Affairs/Department of Humanitarian Affairs: framework for coordination

304. In 1994, a framework for sharing information was established by the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Humanitarian Affairs of the Secretariat. In consultation with members of the Inter-Agency Standing Committee, the United Nations Emergency Relief Coordinator must ensure that special consideration for children affected by conflict is incorporated in United Nations peacekeeping and humanitarian planning, advice, recommendations and proposals presented to the Security Council. In this context, the role of peacekeeping forces in promoting and respecting children's rights should be emphasized, with special attention to the demobilization and social reintegration of child soldiers. The Emergency Relief Coordinator should insist that the situation of conflict-affected children is addressed in all country level activities as well as in United Nations field operations mandated by the Security Council, the General Assembly or the High Commissioner for Human Rights. The Coordinator should also ensure priority consideration for programmes that support the needs of conflict-affected children and their primary care providers in the preparation of the inter-agency consolidated appeals.

#### Inter-Agency Standing Committee

305. Emanating from General Assembly resolution 46/182 of 19 December 1991, the Inter-Agency Standing Committee was established to ensure a coordinated policy and operational response to emergency issues. Concerned agencies such as UNICEF should develop generic inter-agency guidelines regarding conflict-affected children to be used in the consolidated inter-agency appeal process. The substance of the guidelines should be reflected in the terms of reference for resident and humanitarian coordinators and those with political responsibilities, such as special representatives of the Secretary-General.

Administrative Committee on Coordination and Consultative Committee for Programme and Operational Questions

306. The Administrative Committee on Coordination and its subsidiary machinery, namely the Committee for Programme and Operational Questions should discuss ways to link child-related rehabilitation and development activities with relief and recovery, and ensure that all relevant guidelines and strategy proposals reflect the specific needs of war-affected children. The Administrative Committee on Coordination should endorse the principles and guidelines that result from this process, and use them as a model for incorporating child-related concerns into inter-agency assessments, consolidated appeals, round tables and consultative group meetings. In addition, the Administrative Committee on Coordination should be informed periodically by the Department of Humanitarian Affairs, UNICEF and UNHCR about developments relating to children's issues. Special areas of concern should be considered by the various working-groups established by the Administrative Committee on Coordination for Inter-Agency follow-up to recent global conferences, and as a part of the peace-building, conflict-resolution and national reconciliation activities of the United Nations System-wide Special Initiative on Africa. In other words, children in conflict must be a regular part of the agenda of the Administrative Committee on Coordination.

## D. Civil society organizations

307. In the course of the regional consultations, field trips and research undertaken by the expert, civil society organizations have contributed an enormous range of knowledge and expertise in children and conflict issues. Many of these organizations have been central in spreading the message of the Convention on the Rights of the Child and in implementing its principles. They have shown themselves willing and able to break new ground in developing programmes, to be daring in advocacy and to take risks in protecting and promoting the rights of children in situations of conflict. From international federations of religious groups and national development organizations to local service delivery projects, civil society organizations continue to demonstrate their critical role in promoting the rights and ensuring the well-being of children and families. Many of these groups have helped develop the issues and recommendations contained in the present report. The role of civil society will be crucial in implementing these recommendations and in assisting Governments and international agencies to fulfil their obligations to children.

308. Civil society organizations play a fundamental role in preventing conflicts, protecting children and in reconstructing conflict-affected societies. They do so through advocacy, research and information, human rights monitoring, programme interventions, training and humanitarian assistance. Because of their importance, it is essential to have lively dialogue and cooperation between and among all groups and with regional bodies, national institutions and the international community. NGOs, religious communities, cultural organizations, educators, professional and academic networks and associations and the media are encouraged to use international standards relating to the protection of children's rights as the framework for their work,

and to continue to bring these issues of concern to the attention of the international community.

309. Organizations dealing specifically with women, family and communities are especially important. While women's roles in protecting and sustaining children and families are well recognized, their participation in the economic, political and security arenas is less well acknowledged and supported. Women have been active agents of peace-building and conflict resolution at the local level and their participation at the national, regional and international levels should be increased. Governments, agencies and other civil society actors must utilize the ideas, knowledge and experience women have gained from protecting their children, maintaining families and sustaining communities, often in perilous or insecure circumstances. Women's organizations and networks should be strengthened at all levels as one way to maximize women's contributions to child protection, peace, social justice and human development.

310. Civil society organizations are encouraged to develop capacities, at national, regional and global levels, to undertake relevant research; form alliances, networks and campaigns on key issues such as child soldiers; and to assist in creating an enabling environment for child rights activities.

311. With support from the international community, the expert encourages civil society organizations to prepare an international meeting on children's rights and armed conflict. Such a meeting might be held in September 2000, 10 years after the Convention on the Rights of the Child went into force and world leaders met at the World Summit for Children. The meeting should evaluate progress achieved globally subsequent to the tabling of the present report, as well as future ways and means to continue to improve the situation of children affected by armed conflict. While it may be thought that this is an unusual recommendation for the expert to make, it must be realized that we are dealing with often desperate circumstances for children, and the ongoing role for civil society is crucial for their rescue and well-being.

## VII. CONCLUSION

"We want a society where people are more important than things, where children are precious; a world where people can be more human, caring and gentle." 46/

312. The present report has set forth recommendations for the protection of children during armed conflict. It has concentrated on what is practical and what is possible, but this cannot be enough. In considering the future of children, we must be daring. We must look beyond what seems immediately possible and find new ways and new solutions to shield children from the consequences of war and to directly address the conflicts themselves.

313. There is a clear and overwhelming moral case for protecting all children while seeking the peaceful resolution of wars and challenging the justification for any armed conflict. That children are still being so shamefully abused is a clear indication that we have barely begun to fulfil our obligations to protect them. The immediate wounds to children, the physical injury, the sexual

violence, the psychosocial distress, are affronts to each and every humanitarian impulse that inspired the Convention on the Rights of the Child. The Convention commits States to meet a much broader range of children's rights, to fulfil the rights to health, to education and to growth and development within caring and supportive families and communities.

314. The report has shown how all rights to which children are entitled are consistently abused during armed conflict. Throwing a spotlight on such abuses is one small step towards addressing them. Exposure challenges perpetrators to face up to their actions and reminds defenders of children's rights of the enormity of the task ahead. The only measure by which the present report can be judged is the response it draws and the action it stimulates. To some extent, both are already under way: the report has in many ways broken new ground, focusing not just on the debate or resolution that form the final product, but on a process of consultation and cooperation among Governments, international agencies, NGOs and many other elements of civil society. Above all, the report has engaged families and children in explaining their situations and asserting their rights.

315. The present report's mobilization work is ongoing. Commitments have already been made, at national and regional levels, to hold meetings that will begin to implement the report's conclusions. Further publications are planned, including a book, a series of research papers, information kits and a popular version of the report. In the preparation of the report, there were many other issues that could not be covered in the time available, and that demand further investigation. These include: operational issues affecting the protection of children in emergencies; child-centred approaches to the prevention of conflict and to reconstruction and development; the treatment of child rights violations within existing human rights mechanisms; the role of the military in protecting child rights; child rights issues in relation to peace and security agendas; special programming for adolescents in conflict situations, and particularly child-headed households; the role of women in conflict prevention, management and resolution; community and regional approaches to humanitarian relief; and the development of effective training programmes in the area of child rights for all actors in conflict situations. In following up the present report, it is recommended that each of these issues be pursued through research and other means.

316. The flagrant abuse and exploitation of children during armed conflict can and must be eliminated. For too long, we have given ground to spurious claims that the involvement of children in armed conflict is regrettable but inevitable. It is not. Children are regularly caught up in warfare as a result of conscious and deliberate decisions made by adults. We must challenge each of these decisions and we must refute the flawed political and military reasoning, the protests of impotence, and the cynical attempts to disguise child soldiers as merely the youngest "volunteers".

317. Above all else, the present report is a call to action. It is unconscionable that we so clearly and consistently see children's rights attacked and that we fail to defend them. It is unforgivable that children are assaulted, violated, murdered and yet our conscience is not revolted nor our sense of dignity challenged. This represents a fundamental crisis of our

civilization. The impact of armed conflict on children must be everyone's concern and is everyone's responsibility; Governments, international organizations and every element of civil society. Each one of us, each individual, each institution, each country, must initiate and support global action to protect children. Local and national strategies must strengthen and be strengthened through international mobilization.

318. Let us claim children as "zones of peace". In this way, humankind will finally declare that childhood is inviolate and that all children must be spared the pernicious effects of armed conflict. Children present us with a uniquely compelling motivation for mobilization. Universal concern for children presents new opportunities to confront the problems that cause their suffering. By focusing on children, politicians, Governments, the military and non-State entities will begin to recognize how much they destroy through armed conflict and, therefore, how little they gain. Let us take this opportunity to recapture our instinct to nourish and protect children. Let us transform our moral outrage into concrete action. Our children have a right to peace. Peace is every child's right.

## Notes

1/ Smith, Chris and D. Henrickson, "The Transformation of Warfare and Conflict in the Late-Twentieth Century", London, Centre for Defence Studies, King's College, 1996, p. 50.

2/ United Nations Children's Fund, State of the World's Children 1996, Oxford, Oxford University Press, p. 13.

3/ Brett, Rachel, Margaret McCallin and Rhonda O'Shea, "Children: The Invisible Soldiers", Geneva, Quaker United Nations Office and the International Catholic Child Bureau, April 1996, p. 88.

4/ Ibid., p. 23.

5/ Ibid., p. 33.

6/ Ibid., p. 34.

7/ Ibid., p. 53.

8/ Ibid., p. 31.

9/ Ibid., p. 52.

10/ Almquist, Kate, Robbie Muhumuza and David Westwood, "The Effects of Armed Conflict on Girls", Geneva, World Vision International, May 1996, p. 21.

11/ Brett, Rachel, Margaret McCallin and Rhonda O'Shea, "Children: The Invisible Soldiers", Geneva, Quaker United Nations Office and the International Catholic Child Bureau, April 1996, p. 84.

12/ Ibid., p. 53.

13/ See E/CN.4/1996/52/Add.2. The Representative of the Secretary-General on Internally Displaced Persons has developed the following working definition of internally displaced persons: "Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers as a result of armed conflict, internal strife, systematic violation of human rights or natural or man-made disasters, and who are within the territory of their own country".

14/ Article 1A, paragraph 2, of the 1951 Convention relating to the Status of Refugees defines a refugee as someone who, "owing to well founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside of the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having nationality and being outside of the country of his former habitual residence, as a result of such events, is unable or unwilling to return to it".

15/ United Nations High Commissioner for Refugees, State of the World's Refugees 1995: In Search of Solutions, New York, Oxford University Press, 1995, p. 248.

16/ United Nations High Commissioner for Refugees, Refugee Children: Guidelines on Protection and Care. Geneva: UNHCR, 1994.

17/ See also General Assembly resolution 41/85 entitled Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.

18/ United Nations High Commissioner for Refugees, Sexual Violence Against Refugees: Guidelines on Prevention and Response. Geneva: UNHCR, 1995.

19/ United Nations High Commissioner for Refugees, The Impact of Armed Conflict on Children: The Refugee and Displaced Children Dimension, Geneva, 1996, p. 36.

20/ Ibid., p. 53.

21/ See E/CN.4/1996/63.

22/ See E/CN.4/1996/53/Add.1.

23/ Schade, Ernst, "Experiences with regard to the United Nations Peace-keeping Forces in Mozambique", Norway, Redd Barna, 1995.

24/ Statistics from the United Nations Department of Humanitarian Affairs.

25/ Williams, Jody, "The Protection of Children Against Landmines and Unexploded Ordnance", Washington, D.C., Viet Nam Veterans of America Foundation, p. 1.

26/ Ibid., p. 12.

27/ Ibid.

28/ Ibid., p. 13.

29/ Information obtained from the United Nations Department of Humanitarian Affairs.

30/ Garfield, Richard, "The Impact of Economic Sanctions on the Health of Women and Children", New York, Columbia University, April 1996, p. 9.

31/ Ibid., p. 11.

32/ Ibid., p. 13.

33/ United Nations Children's Fund, State of the World's Children 1995, New York, Oxford University Press, p. 20.

34/ Youth for Population Information and Communication, "Improved Quality of Life, Empowerment and Development for Street Youth in Kumasi", Ghana, Youth for Population Information and Communication, 1996.

35/ United Nations Children's Fund, State of the World's Children 1996, Oxford, Oxford University Press, p. 20.

36/ Food and Agriculture Organization of the United Nations, "Report of the Study on the Nutritional Impact of Armed Conflicts on Children", Rome, 1996, p. 16.

37/ Ibid., p. 18.

38/ Ibid., p. 10.

39/ Joint and Co-sponsored United Nations Programme on HIV/AIDS, "HIV and Infant Feeding: An Interim Statement", Geneva, July 1996.

40/ The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and the National Societies have adapted the following as a full definition of international humanitarian law: "international rules, established by treaties or custom, which are specifically intended to solve humanitarian problems directly arising from international or non-international armed conflicts and which, for humanitarian reasons, limit the right of parties to a conflict to use the methods and means of warfare of their choice or protect persons and property that are, or may be, affected by conflict".

41/ Committee on the Rights of the Child, CRC/C/46, paras. 203-238.

42/ United Nations Research Institute for Social Development, States of Disarray: The social effects of globalization, Geneva, 1995, p. 112.

43/ Devaki Jain speaking at the Eminent Persons Group meeting for the United Nations Study on the Impact of Armed Conflict on Children, Tarrytown, New York, 9 May 1995.

44/ United Nations Development Programme, Human Development Report 1996, New York, Oxford University Press, 1996, p. 72.

45/ See E/AC.51/1995/2.

46/ Archbishop Desmond Tutu speaking at the Eminent Persons Group meeting for the United Nations Study on the Impact of Armed Conflict on Children, Tarrytown, New York, 9 May 1995.

## Annex

### RESEARCH CONTRIBUTIONS TO THE REPORT ON THE IMPACT OF ARMED CONFLICT ON CHILDREN

(Unpublished manuscripts)

Adam, Hubertus and Joachim Walter et al., "Refugee Children in Industrial Countries - Reports of the Psychosocial Situation and Case Studies in the United Kingdom, Germany and South Africa", University Clinics of Hamburg, Germany, 1996.

Almquist, Kate, Robbie Muhumuza and David Westwood, "The Effects of Armed Conflict on Girls", Geneva, World Vision International, May 1996. The paper draws on the work of more than 15 World Vision country offices and was prepared in consultation with other international non-governmental organizations.

Balian, Hrair, "Armed Conflict in Chechnya: Its Impact on Children", Covcas Center for Law and Conflict Resolution, Virginia, November 1995.

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Boyden, Jo and Sara Gibbs, "Vulnerability and Resilience: Perceptions and Responses to Psycho-social Distress in Cambodia", United Kingdom, May 1996. This report was prepared in cooperation with other United Nations agencies, UNICEF and UNRISD in particular, and a local working group on psychosocial vulnerability and coping strategies in Cambodia.

Boyden, Jo and Paul Ryder, "The Provision of Education to Children Affected by Armed Conflict", April 1996.

Brett, Rachel, Margaret McCallin and Rhonda O'Shea, "Children: The Invisible Soldiers", Geneva, Quaker United Nations Office and the International Catholic Child Bureau, April 1996. The report is the result of the Child Soldiers Research Project of the Sub-Group on Refugee Children and Children in Armed Conflict of the Group for the Convention on the Rights of the Child. Many of the 24 case studies were prepared by local non-governmental organizations. Rädda Barnen was a major funding partner of the study on the impact of armed conflict on children and will publish a more detailed study later in 1996.

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Djeddah, Carol and P. M. Shah, "The Impact of Armed Conflict on Children: A Threat to Public Health", Geneva, World Health Organization, Family and Reproductive Health and Division of Emergency and Humanitarian Action, June 1996.

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Kur, Dengtiel A., ed. and Larjour Consultancy, "The Impact of War on Children and the Role of Traditional Values and International Humanitarian Principles in South Sudan", Nairobi, South Sudan Law Society, June 1996.

Marcelino, Elizabeth Protacio et al., "Community Participation in the Recovery and Reintegration of Children in Situations of Armed Conflict (The Philippine Experience)", contribution to the Asia Pacific Regional Consultation of the study on the impact of armed conflict on children, Philippines, University of the Philippines, 1996.

Marcelino, Elizabeth Protacio, "Torture of Children in Armed Conflict", Philippines, Center for Integrative and Development Studies, 1996.

Monan, Jim, "The Impact of Landmines on Children in Quang Tri Province - Central Viet Nam", report prepared for the Asia Pacific Regional Consultation of the study on the impact of armed conflict on children, Hanoi, Viet Nam Veterans of America Foundation and UNICEF, 1995.

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United Nations Development Fund for Women, "Women in Crisis Situations Resulting from Armed Conflict", UNIFEM contribution to the study on the impact of armed conflict on children, New York, March 1996.

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Williams, Jody, "The Protection of Children Against Landmines and Unexploded Ordnance", Viet Nam Veterans of America Foundation, International Campaign to Ban Landmines, April 1996.

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